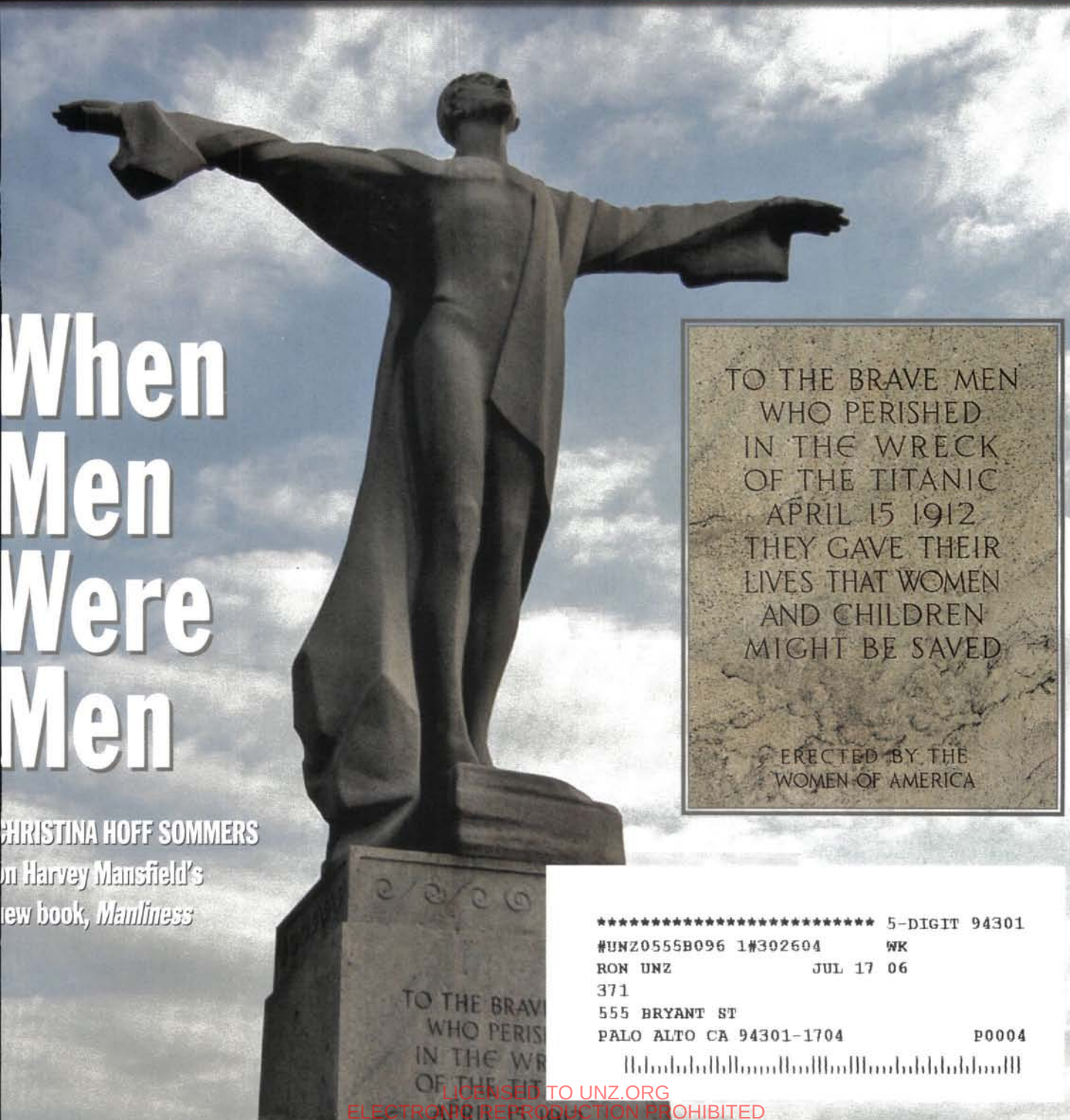
the weekly
Standard

APRIL 10, 2006 $3.95

HOUSING BUBBLE TROUBLE
ANDREW LAPERRIERE

When Men Were Men

CHRISTINA HOFF SOMMERS on Harvey Mansfield's new book, *Manliness*



********** 5-DIGIT 94301
#UNZ0555B096 1#302604 WK
RON UNZ JUL 17 06
371
555 BRYANT ST
PALO ALTO CA 94301-1704 P0004

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Please Don't Feed The Trial Lawyers.

Best to Worst Legal Systems

Delaware	1	Rhode Island	26
Nebraska	2	Georgia	27
Virginia	3	Washington	28
Iowa	4	Tennessee	29
Connecticut	5	Oregon	30
New Hampshire	6	Pennsylvania	31
South Dakota	7	Massachusetts	32
Colorado	8	Oklahoma	33
Maine	9	Kentucky	34
North Carolina	10	Missouri	35
Indiana	11	Alaska	36
North Dakota	12	Nevada	37
Arizona	13	Florida	38
Minnesota	14	Montana	39
Kansas	15	New Mexico	40
Wyoming	16	Arkansas	41
Utah	17	South Carolina	42
Idaho	18	Texas	43
Ohio	19	California	44
Maryland	20	Illinois	45
New York	21	Hawaii	46
Michigan	22	Alabama	47
Wisconsin	23	Mississippi	48
Vermont	24	Louisiana	49
New Jersey	25	West Virginia	50

Unscrupulous trial lawyers flock to courthouses across the country in search of a quick payday. Along the way, they destroy your state's reputation for legal fairness and hurt your state's economy. Lawsuit abuse is a serious problem.

In fact, each American pays $886[1] a year in higher prices just to cover the cost of litigation.

A recent Harris poll[2] ranked the legal systems of all fifty states. If your state is at the bottom of the list, it's likely the result of lawsuit abuse.

Don't feed the trial lawyers. Demand that your elected officials fix the flaws in the justice system. Require fairness from your judges. For a copy of the survey and to learn how you can help, visit www.instituteforlegalreform.org.

Lawsuit Abuse Hurts Your State. Support Legal Reform.

www.instituteforlegalreform.org

Paid for by the U.S. Chamber Institute for Legal Reform, 1615 H Street, NW, Washington, DC 20062-2000

[1]A March 2006 Tillinghast Towers Perrin study estimated the cost of the U.S. tort system at $865.8 billion in 2004 or $886 per U.S. citizen. [2]According to a Harris Interactive survey of 1,456 senior attorneys.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Contents

April 10, 2006 • Volume 11, Number 28

2 Scrapbook . . . *Jimmy Carter,* New York Times, *and more.*

4 Casual . . . . . *Victorino Matus, victor.*

5 Correspondence . . . . . *On American opera, Gitmo pimp.*

7 Editorial . . . . . *Y is for Yahoo*

Articles

8 Death of a Cold Warrior *Caspar W. Weinberger, 1917-2006.* . . . . . BY RICHARD PERLE

10 George W. Bush's To-Do List *Four keys to a successful comeback.* . . . . . BY FRED BARNES

14 Street Fighting Men *The race to succeed Newark mayor Sharpe James.* . . . . . BY DUNCAN CURRIE

18 Apostates from Islam *The case of the Afghan convert is not unique.* . . . . . BY PAUL MARSHALL

19 No Investors Need Apply *Congress's message to foreign capital.* . . . . . BY GERARD BAKER

21 The Cheerful Reaganite *Lyn Nofziger, 1924-2006.* . . . . . BY PETER HANNAFORD

22 Back to Federalism *The proper remedy for polarization.* . . . . . BY DAVID GELERNTER

Cover: Lev Nisnevitch

Features

25 Housing Bubble Trouble
Have we been living beyond our means?. . . . . . BY ANDREW LAPERRIERE

29 Courting Abroad
The use and abuse of foreign law by the U.S. Supreme Court. . . . . . BY JEREMY RABKIN

32 Illiberal Europe
The long and growing list of things you can't legally say. . . . . . BY GERARD ALEXANDER

Books & Arts

37 Being a Man *Harvey Mansfield ponders the male of the species.* . . . . . BY CHRISTINA HOFF SOMMERS

41 Sense of Place *Thinking globally, while writing locally, in the South.* . . . . . BY PATRICK J. WALSH

43 God in the Details *A writer's remembrance of a Christian curriculum.* . . . . . BY CHARLOTTE ALLEN

44 'Make No Mistake' *The sky's the limit when it comes to clichés.* . . . . . BY JOE QUEENAN

45 Power for Good *Since the end of the Cold War, America the Indispensable.* . . . . . BY MAX BOOT

47 Stanislaw Lem, 1921-2006 *Science fiction's master of the universe.* . . . . . BY JOHN WILSON

48 Parody . . . . . *Tony Kushner's gift for metaphor.*

William Kristol, *Editor* **Fred Barnes,** *Executive Editor*
Claudia Anderson, Richard Starr, *Managing Editors*
David Tell, *Opinion Editor* **Christopher Caldwell, Andrew Ferguson,** *Senior Editors*
Philip Terzian, *Books & Arts Editor* **Stephen F. Hayes, Matt Labash,** *Senior Writers* **Matthew Continetti,** *Staff Writer*
Victorino Matus, David Skinner, *Assistant Managing Editors* **Jonathan V. Last,** *Online Editor* **Daniel McKivergan,** *Online Foreign Editor*
Sonny Bunch, *Assistant Editor* **Duncan Currie,** *Reporter* **Michael Goldfarb, Joseph Lindsley,** *Editorial Assistants*
Lev Nisnevitch, *Art Director* **Philip Chalk,** *Production Director*
Paul Weisner, *Finance Director* **Catherine Lowe,** *Marketing Director* **Taybor Cook,** *Office Manager*
Carolyn Wimmer, *Executive Assistant* **Anastasia Uglova,** *Staff Assistant*
Gerard Baker, Max Boot, Joseph Bottum, Tucker Carlson, John J. DiIulio Jr., Noemie Emery, Joseph Epstein, David Frum, David Gelernter, Reuel Marc Gerecht, Brit Hume, Robert Kagan, Charles Krauthammer, Tod Lindberg, P. J. O'Rourke, John Podhoretz, Irwin M. Stelzer, *Contributing Editors*
Terry Eastland, *Publisher*

the weekly Standard

THE WEEKLY STANDARD (ISSN 1083-3013) is published weekly (except the first week in January, third week in April, second week in July, and fourth week in August) by News America Incorporated, 1211 Avenue of the Americas, New York, NY 10036. Periodicals postage paid at New York, NY, and additional mailing offices. Postmaster: Send address changes to THE WEEKLY STANDARD, P.O. Box 96127, Washington, DC 20077-7767. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-283-2014. Subscribers: Please send new subscription orders to THE WEEKLY STANDARD, P.O. Box 96153, Washington, DC 20090-6153; changes of address to THE WEEKLY STANDARD, P.O. Box 96127, Washington, DC 20077-7767. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Yearly subscriptions, $78.00. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-902-563-4723 for subscription inquiries. Visa/MasterCard payment accepted. Cover price, $3.95. Back issues, $3.95 (includes postage and handling). Send letters to the editor to THE WEEKLY STANDARD, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. For a copy of THE WEEKLY STANDARD Privacy Policy, visit www.weeklystandard.com or write to Customer Service, THE WEEKLY STANDARD, 1150 17th St., NW, Suite 505, Washington, D.C. 20036. Copyright 2006, News America Incorporated. All rights reserved. No material in THE WEEKLY STANDARD may be reprinted without permission of the copyright owner. THE WEEKLY STANDARD is a trademark of News America Incorporated.

BPA INTERNATIONAL

www.weeklystandard.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Carter Diaries

On March 23, the leftist blog/nut-house known as the Daily Kos upped its prestige factor to unprecedented levels, when former President Jimmy Carter wrote a "diary" for the site. That's right—one of the 43 men to serve as president of this country decided to strut his blogging stuff in an arena where the current president is frequently referred to as a chimp, a stooge, and a Nazi.

Obviously thrilled at being in the presence of, well, not greatness but renown of a sort, over 600 Kos community members commented on Carter's diary. So great was the response, Carter felt called to post a follow-up diary dealing with the many "questions" his original diary provoked.

Carter's follow-up reprinted eight questions. As luck would have it, fully seven of the eight also just happened to include a seemingly irrelevant but obsequious tribute to the former president, which Carter carefully reproduced. Among our favorites:

* "My vote for you in 1976 was the first I ever cast on any local, state or federal ballot, and I cannot tell you the utter thrill it was to have done so."

* "My admiration for you and your family as genuinely compassionate, ethical and moral human beings who truly follow the teachings of Christ, could not be higher."

* "I am in awe, sir. I turned 18 two weeks before your first run for president, and I was so proud to wear that 'I voted' sticker. So excited to have voted for a man I admired and trusted. I have come to admire you 100 fold since then."

Now that THE SCRAPBOOK knows what it takes to get Carter's attention, maybe we can get him to answer our longstanding question:

"Sir, we revere you. Although the Bible commands us to worship only the Lord, we feel an understandable exception can be made where you are concerned. A *Boston Globe* editorial famously referred to one of your speeches as 'more mush from the wimp.' How could any creature here below have been so blind to your virtues?" ♦

The *Times* and Iraq

In recent days, the *New York Times* has splashed on its front page the "news" that George W. Bush wanted to go to war in Iraq by January 2003. It has reported that Vice President Dick Cheney likes his hotel rooms at 68 degrees and drinks Diet Sprite. The paper learned of these preferences from a document posted on *smokinggun.com*, "confirmed as authentic by Mr. Cheney's office." What's more, it has twice printed stories based on outright fabrications—one about a man who falsely claimed to be the hooded victim in the famous Abu Ghraib photo, and another about a welfare cheat from Brooklyn who fooled a *Times* reporter with her claim to be a victim of Hurricane Katrina and (natch) the Bush administration.

All of this, but the *Times* cannot find room for a serious article on findings that concern whether the fighting in Iraq is central to the war on terror, as the Bush administration claims, or a distraction from it, as the administration's critics charge.

The *Times* has yet to report, for example, that a Pentagon study released last week found that Saddam Hussein's regime had trained non-Iraqi Arab "volunteers" in terrorist techniques beginning in 1998. Not news, apparently. The *Times* did note another finding from the same report—that captured Iraqi documents suggest Russia had a source at CENTCOM in Doha, Qatar, who passed U.S. war plans to Baghdad.

Why report on one finding and not the other? Who knows? It's probably just a coincidence that the first lends support to Bush's arguments for the war, while the second suggests administration incompetence.

The paper has also barely noticed the planned release onto the Internet of 2 million captured Iraqi documents, but its reaction to them is telling. Reporter Scott Shane mocked people who are downloading the documents and reading them, comparing them to UFO crackpots. As the *Times* has done habitually, Shane turned to anonymous intelligence officials to tell us what to think about prewar Iraq. That is striking. The *Times* chooses to provide its readers with assessments of (hardly disinterested) intelligence officials who haven't seen most of the documents (nobody has) rather than simply report on the contents of those documents. Lost on Shane, apparently, is the fact that one of the major advantages of the document release is that reporters are no longer forced to rely on the speculation of intelligence officials. We can now look at what the Iraqis themselves said and did before the war, something bound to be more enlightening than listening, once again, to CIA agents anonymously snipe at the White House.

If you're nonetheless inclined to give the *Times* the benefit of the doubt, consider a contrasting article published by the *Times* two days after it mocked the process of exploiting the Iraqi documents on the web. "On Web, Error is Uncovered Through Relentless Pursuit," ran the headline over a piece from

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

John Broder. The article recounts how Internet sleuths showed that a photograph on the website of a Republican congressional candidate was "a fraud." The candidate had posted a picture of what an accompanying note said was a peaceful Baghdad neighborhood. It turns out to be suburban Istanbul, a fact uncovered by a blogger. The article quotes USC professor Martin Kaplan (not identified as the former chief speechwriter for Vice President Walter Mondale) who gushes about the possibilities of group investigations on the Internet. "There's a reserve army of unpaid researchers ready to mobilize at a moment's notice," he said. Indeed. ♦

Hamas in Power

Here's Sarah El Deeb of the Associated Press, reporting last Tuesday on the Palestinian Legislative Council meeting at which the new Hamas-led government's 25-member cabinet won an overwhelming formal vote of approval:

> [Incoming Palestinian prime minister Ismail] Haniyeh toned down Hamas' violent ideology, saying he was not interested in perpetuating the cycle of violence with Israel. . . . In Gaza City, Hamas lawmakers broke into chants of "God is Great" after parliament voted 71-36, with two abstentions, to approve the new lineup. Palestinian legislators swarmed Haniyeh to congratulate him. . . . Haniyeh said Tuesday that he intends to push for an independent Palestinian state with its capital in Jerusalem and the right of Palestinian refugees to return to their homes in what is now Israel. Those demands are far more moderate than Hamas' traditional call to replace Israel with an Islamic state.

Note, please, Ms. El Deeb's casually tossed off reference to "what is now Israel." Then have a look, courtesy of the Middle East Media Research Institute, at a transcript of what actually happened immediately after the parliamentary vote in question—the one where Ismail Haniyeh is reported by AP to have "toned down" his group's traditionally violent rhetoric:

> PARLIAMENTARY SPEAKER AZIZ DWEIK: The 10th Palestinian Government, headed by the Palestinian prime minister, brother Ismail Haniyeh, has gained the absolute majority of the votes of the Legislative Council members . . .
> HAMAS MP: Allah Akbar, Allah be praised.
> OTHER MPS: Allah Akbar, Allah be praised.
> MP: Allah is our goal.
> OTHER MPS: Allah is our goal.
> MP: The Koran is our constitution.
> OTHER MPS: The Koran is our constitution.
> MP: The Prophet Muhammad is our model.
> OTHER MPS: The Prophet Muhammad is our model.
> MP: Jihad is our path.
> OTHER MPS: Jihad is our path.
> MP: Death for the sake of Allah is our most lofty aspiration.
> OTHER MPS: Death for the sake of Allah is our most lofty aspiration.

Nice. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Casual

One Shining Moment

Last week I caught up with my old college housemates. It had been several months since I'd spoken with them, and, as it turns out, much is going on in their lives. One is dating a girl he plans to marry. The wife of another is about to give birth to their second child. And a third just got engaged and, oh, his father is finally out of the hospital, recovering from surgery. "That's all great news," I said. "But wait till you hear this. I just won my NCAA office pool!"

This time each year, millions of Americans stop their daily routines (and supposedly waste countless hours of productivity) to watch March Madness—when 64 college basketball teams from around the country compete for the national title. (No, I do not count the play-in game.) The first round takes two days and involves 32 games in cities like Jacksonville, Dallas, Philadelphia, and San Diego. Tip-off is usually around noon and the last game finishes up somewhere on the West Coast a little after midnight. Two weeks later, the 64 teams are whittled down to a Final Four. But which ones?

Fans fill out their own brackets, guessing which teams will advance from one round to the next. For me, this is an arduous task requiring a careful assessment of the strengths and weaknesses of the various schools, some of whom amass winning records by playing cupcake schedules. Others rest on a history of successful tournament appearances but may, in fact, be vulnerable now that last year's seniors have graduated. The NCAA committee sometimes ranks a school higher than it should, leading to potential mismatches. For instance, I wondered, could eleventh-seeded Wisconsin-Milwaukee beat sixth-seeded Oklahoma? Did the Sooners even deserve to be a sixth seed? I didn't think so, and the Panthers defeated them 82-74. Few thought Tennessee deserved a second seed and, sure enough, they were ousted in the second round by the Wichita State Shockers. I bet that hurt.

One certainty in my ten years of bracket-filling is the 12-5 upset. There is always at least one twelfth-seeded team that beats out a fifth seed in the first round. This year I picked Syracuse to lose to Texas A&M, which they did, 58-66. People seem always to pick Duke to go all the way. But I knew the Blue Devils were relying too heavily on one player and could be stopped. This led me to choose LSU to beat them in the Sweet Sixteen. Final score: LSU 62, Duke 54. (I knew the Blue Devils were in trouble when I read about LSU's Glen Davis, a 6' 9" forward weighing a terrifying 308 pounds. Known as "Big Baby," Davis can eat three Big Macs and two large fries in a single sitting.)

Darren Gygi

No one is perfect, especially in this year's pool. Not a single person—me included—thought George Mason would make it to the semifinals. I did, however, pick two of the Final Four: LSU and UCLA. That would be more than either the *Washington Post*'s Tony Kornheiser or the *New York Post*'s Lenn Robbins got right. (For a little perspective, of the more than three million entries into ESPN's tournament challenge, only *two* had the correct Final Four.)

It is better to know a little than a lot about your teams. Too much knowledge leads to second-guessing and gets in the way of listening to one's gut instinct. Also, remember there has never been a Final Four with all number-one seeds. This year's Final Four contains none.

I don't expect to start winning every year. It's taken me a decade to reach the top and may take another decade before I reach it again. But for just one moment, I stand above my peers. And none of them is in a position to overtake me during the final rounds, no matter what the results. My name sits atop the list, which is taped outside my door. I plan on keeping it there for at least another three weeks.

After the national championship game, CBS runs the credits along with highlights from the tourney to the tune of a song called "One Shining Moment," whose sole purpose is to make grown men cry. But there is one line that bears relevance:

Feel the beat of your heart,
Feel the wind in your face,
It's more than a contest,
It's more than a race.

Winning the office pool is more than a contest. It's more than a race. It's bigger than any wedding engagement or birth announcement (though maybe just short of your father surviving a difficult surgery). It's about years of analysis, hours in front of the television, and an attention to long-term trends finally paying off. And my achievement is in no way diminished by the fact that, as I write this article, second place looks like it could go to the daughter of a colleague, a 12-year-old girl who had to ask if UCLA was in Los Angeles.

Victorino Matus

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Judicious Judges

In his perceptive editorial ("The Roberts Effect," March 20), Terry Eastland noted that Chief Justice John Roberts "came from a court—the D.C. Circuit—where the chief judge urged colleagues to make serious efforts to find a broadly acceptable resolution." True, and the current chief judge, Douglas Ginsburg, deserves credit for encouraging judges to find broadly acceptable resolutions and to concur without separate opinions in unanimous decisions wherever possible. This has resulted in a clear body of jurisprudence on a wide range of subjects.

But from my conversations with D.C. Circuit judges active and retired, appointed by presidents of both parties, I gather that the originator of this approach was Judge Harry Edwards, who served as chief judge from 1994 to 2001, about whom other judges continue to speak with glowing respect. And I gather that Chief Judge Ginsburg is happy to credit his predecessor for his work in forging unanimity.

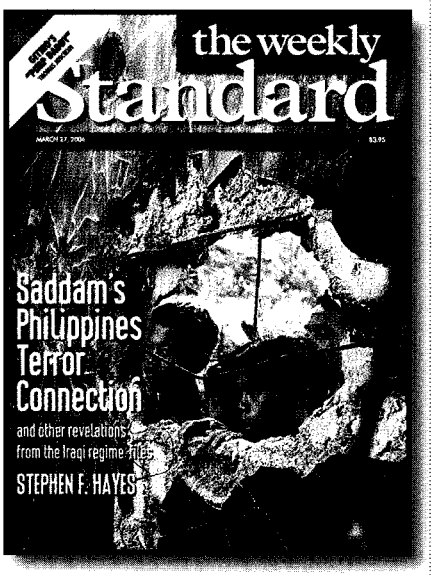
Chief Judge Edwards was appointed to the bench by President Carter. In a time when political commentators of all stripes are inclined to see judges as (political) party animals, I think Chief Judge Edwards deserves credit in the pages of The Weekly Standard for his contribution to judicial fairness and excellence.

Michael Barone
Washington, D.C.

Loopy Adams

In "Doctor Atomic" (March 20), Kelly Jane Torrance writes that "John Adams has made a career of creating art from recent events." In point of fact, the people who created art from recent events, if indeed it be art, are his librettists: Alice Goodman for *Nixon in China* and *The Death of Klinghoffer* and Peter Sellars for *Doctor Atomic*. What Adams did was to supply the music to accompany their words (in the case of *Nixon in China*, stupefyingly boring music). Even an experienced opera-goer would have difficulty identifying the emotions supposedly conveyed by Adams's music if he didn't know the words. In fact, he would have difficulty even if he did know the words.

Torrance writes that "John Adams should be given credit for forging the way to a truly American opera tradition." But there are already any number of truly American operas. One of them is called *Porgy and Bess*, libretto by DuBose Heyward and Ira Gershwin, music by a composer named George Gershwin.



Jerome S. Shipman
Potomac, Md.

Kelly Jane Torrance responds: *Porgy and Bess* is indeed perhaps the most famous of American operas. I certainly didn't mean to imply no good operas have been created in this country, but there aren't many that have clearly landed in the permanent repertoire. The genre is still young here; Adams is showing the way to what could become a more mature tradition.

I believe that one can just as well make art from a subject by creating music as well as by creating words. And Adams isn't stuck in a libretto when he writes; he drops any part of it that doesn't fit his vision. He also examines original source material. Indeed, he's said that the first musical inspiration for *Doctor Atomic* hit him when he read a 1945 pamphlet on atomic energy. Programme music—instrumental music depicting a scene—has a long history. Shipman may not enjoy the results, but Adams's music is art inspired by life.

Big Daddy

With all due respect to Bosnia's Mustafa Ceric, Iraq's Grand Ayatollah Ali Sistani, and other like-minded Muslim clerics, Gitmo's "Pimp Daddy," as described by Thomas Joscelyn in "It's Hard Out Here for an Iraqi" (March 27), is by far the most refreshing and uplifting voice of moderate Islam this American has heard since 9/11. Big gifts can indeed come with—er, in—small packages.

Paul Beach
Eagan, Minn.

• • •

The Weekly Standard
welcomes letters to the editor.
All letters should be addressed:
Correspondence Editor
The Weekly Standard
1150 17th St., NW, Suite 505
Washington, DC 20036.

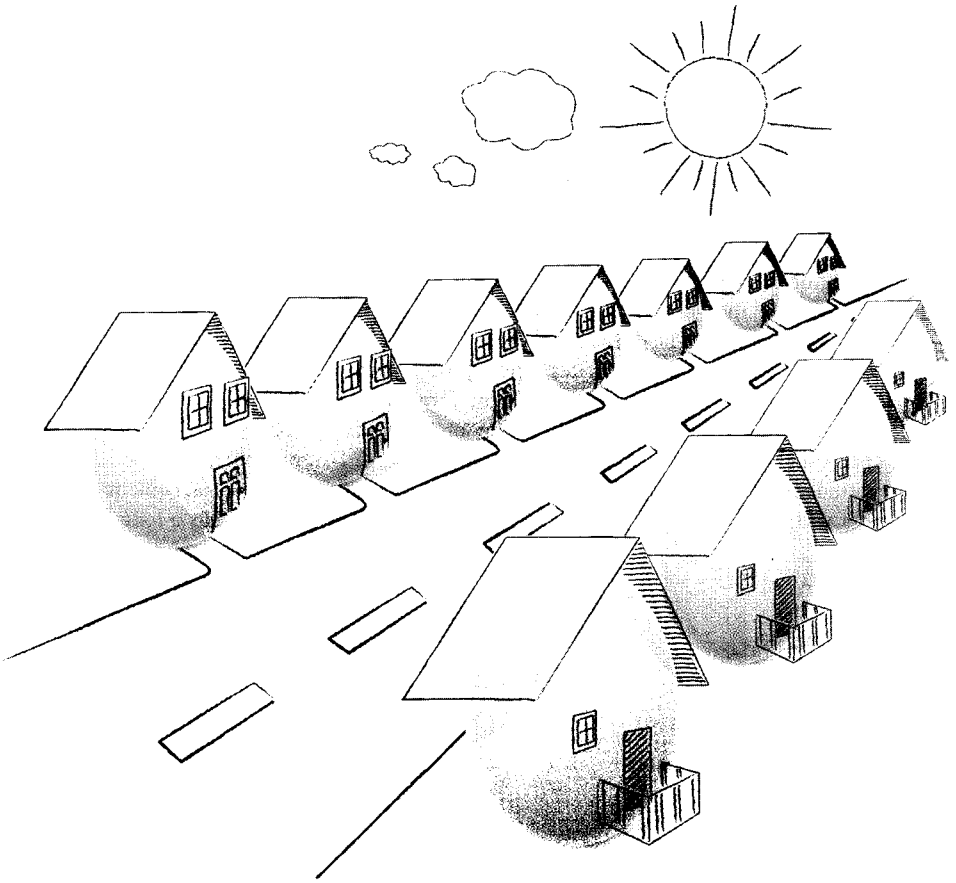
You may also fax letters: (202) 293-4901
or email: editor@weeklystandard.com.

Advertising Sales

*For more information, visit **weeklystandard.com**, click on the **About Us** button at the top, and select **Advertise**.*

Peter Dunn, *Associate Publisher*
pdunn@weeklystandard.com; 202-496-3334
Patrick F. Doyle, *West Coast Advertising Manager*
pdoyle@weeklystandard.com; 415-777-4383
Don Eugenio, *Midwest Advertising Manager*
deugenio@weeklystandard.com; 312-953-7236
Nicholas H.B. Swezey, *Advertising & Marketing Manager; nswezey@weeklystandard.com; 202-496-3355*
Johan Schersten, *Foreign Country Reports*
johan@us-impact.com; 011-31-62-360-3690
Meghan Hawthorne, *Account Executive*
mhawthorne@weeklystandard.com; 202-496-3350

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



Eggonomics.

Where do most of America's homeowners keep most of their savings?

In their home. It's their nest egg.

Home equity is the cornerstone of family wealth. For over half of America's homeowners, at least fifty percent of their wealth is the equity in their homes.

And Freddie Mac helps make homeownership possible.

Freddie Mac makes mortgage money available, so lenders can make more home loans. We've helped over forty-four million families own their own home.

And since nearly twenty percent of America's economy is home and housing related, Freddie Mac helps strengthen America's future.

Freddie Mac. Our mission is to make home possible. And it's working.

Freddie Mac

We make home possible℠

www.FreddieMac.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the weekly Standard

Y is for Yahoo

The House Caucus to Return the Republican Party to Minority Status—also known as the House Immigration Reform Caucus—held a press conference Thursday. The GOP solons were upset. The Senate Judiciary Committee had not followed the lead of the House in adopting an "enforcement only" immigration bill. The committee had reported out a sensible and comprehensive immigration bill that includes border security measures, a guest worker program, and, for illegal immigrants already here, a path towards earned legalization and citizenship.

California representative Dana Rohrabacher decried the Senate's guest worker proposal as "the foul odor that's coming out of the United States Senate." After all, he explained, if illegal aliens who do many farm jobs were deported, "the millions of young men who are prisoners around our country can pick the fruits and vegetables. I say, let the prisoners pick the fruits." (I am not making this up.) Though the House bill has no flag-related provision to my knowledge, Virginia representative Virgil Goode nonetheless weighed in, "I say if you are here illegally and want to fly the Mexican flag, go to Mexico and wave the American flag."

But the press conference was not heavy on substantive policy argument. Much of it had to do with the political ramifications of the immigration issue. Colorado representative Tom Tancredo explained that President Bush didn't understand the electoral dynamics of the issue, and lamented, "Although he's not running for reelection, I wish he would think about the party." Rep. Rohrabacher predicted that Senator John McCain and other immigration supporters would find their careers cut short. Iowa representative Steve King provided the rhetorical climax of the press gathering when he claimed that the current Senate Judiciary bill is really an amnesty bill (it isn't), and thundered, "Anybody that votes for an amnesty bill deserves to be branded with a scarlet letter, 'A' for amnesty, and they need to pay for it at the ballot box in November."

Okay. Let's not talk about substance—since the pro-immigration forces have in fact been winning that debate easily. Let's talk about ballot boxes.

Dana Rohrabacher has represented a safe GOP seat in Orange County for almost two decades. He's chosen never to run statewide. In California, Republican governor Pete Wilson exploited the immigration issue to help get reelected in 1994, and the voters passed a Republican-backed anti-immigration measure, proposition 187. No Republican candidate except the idiosyncratic Arnold Schwarzenegger has won statewide since.

Virgil Goode has a safe GOP seat in Southside Virginia. He's never run statewide. Last fall, the Republican gubernatorial candidate, Jerry Kilgore, tried to exploit illegal immigration by denouncing a local community that wanted to build a shelter that might accommodate some illegals. He lost, in a red state, a race he had been favored to win.

Anti-immigration yahoo Tom Tancredo carried the sixth district of Colorado comfortably in 2004 (though running slightly behind pro-immigration George W. Bush). But in Tancredo's state, the GOP did miserably in 2004, with Democrat Ken Salazar winning the Senate seat and Democrats gaining control of both houses of the legislature. Meanwhile, in the safe fifth district of Iowa, Steve King did run three points ahead of George W. Bush in 2004. King was able to outspend his challenger 10-1, while Bush faced a huge Kerry effort in that swing state.

Four GOP senators voted in the Senate Judiciary Committee for the comprehensive immigration bill these blustering House members believe is electoral suicide: Arlen Specter, elected and reelected in blue state Pennsylvania; Mike DeWine, elected and reelected in swing state Ohio; and Lindsey Graham from South Carolina and Sam Brownback from Kansas—both very popular in their red states. John McCain, lead sponsor of a bill that resembles the Senate Judiciary Committee bill, has a pretty impressive electoral record in Arizona, a competitive state that also happens to border Mexico. George W. Bush, a pro-immigration Republican, has won two presidential elections—as did another pro-immigration Republican, Ronald Reagan.

The American people are worried about immigration. In a Pew Survey released last week, 52 percent of Americans saw immigration as a burden, while 41 percent said it strengthened the country; 53 percent support sending illegals home, while 40 percent endorsed a path to citizenship. Given the hoopla about illegal immigration, this division is in fact surprisingly close. In any case, it means GOP senators and congressmen—and presidents—have plenty of room to show leadership and to resist demagoguery. Most Republican officeholders know that the political—and moral—cost of turning the GOP into an anti-immigration, Know Nothing party would be very great. It could easily dash Republican hopes of becoming a long-term governing party. How many Republicans will have the courage to stand up and prevent the yahoos from driving the party off a cliff?

—*William Kristol*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Death of a Cold Warrior

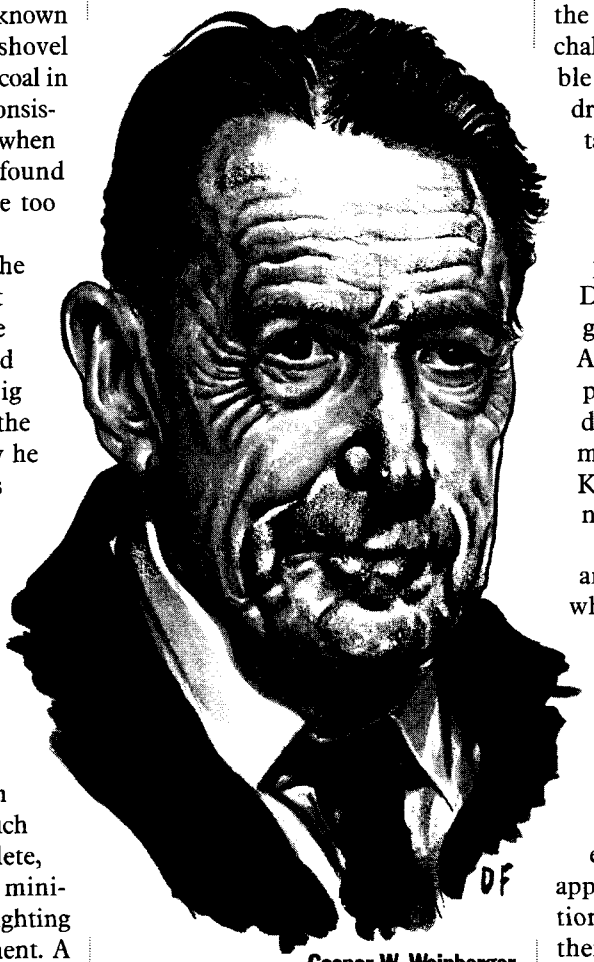
Caspar W. Weinberger, 1917-2006.

BY RICHARD PERLE

IN HIS LAST and most important public service, Caspar W. Weinberger, Ronald Reagan's secretary of defense, was at his best. People who didn't understand him were puzzled that the budget-cutting, streamlining manager, who had come to be known as "Cap the Knife," could shovel money for national defense like coal in a locomotive. They saw an inconsistency. But Cap understood that when budgets were too large, you found ways to cut them. If they were too small, you went for increases.

So, placed in charge of the Department of Defense at what we now know to have been the apogee of half a century of Cold War, Cap went for increases. Big increases. And he did so with the same intelligence and intensity he had displayed throughout his long and useful public career.

I remember some of the early briefings Cap received when he arrived at the Pentagon. Called to Washington from around the world, one after another of the chiefs of the unified and specified commands explained that they could not perform their assigned missions: Too much of their equipment was obsolete, too many recruits fell below minimum standards for a modern fighting force, morale was in the basement. A third of the Navy was unfit to sail. The Air Force was losing more aircraft in training accidents than it could replace. Strategic forces had fallen behind those of the Soviet Union. The malaise that Jimmy Carter had famously diagnosed, even as he helped cause it, had descended on the Department of Defense.



Caspar W. Weinberger

Two men, Ronald Reagan and Cap Weinberger, whose relationship was the product of close collaboration over many years, understood what needed to be done. Confident of Reagan's steadiness and support, Cap set about constructing the forces and budgets that could replace obsolete systems, provide adequately for the training and well-being of our men and women in uniform, and restore morale, indeed pride, to the armed services.

Both the president and his secretary of defense understood that reviving American military strength had an important political as well as military purpose. Reagan first, then Weinberger, understood that Soviet totalitarianism was headed for the "ash heap of history." A shove could speed it on its course. That would take the form of an attack on the legitimacy of the Soviet ruling elite and a massive challenge to the only product its risible economy was organized and drained prodigally to produce: military power. The Soviets were near exhaustion from a decade of military spending that approached a third of their gross domestic product. Weinberger's Defense Department, moving into high gear, would leave it in the dust. And the addition to our defense plans of an energetic research and development program on ballistic missile defenses would drive the Kremlin to despair—and to the negotiating table.

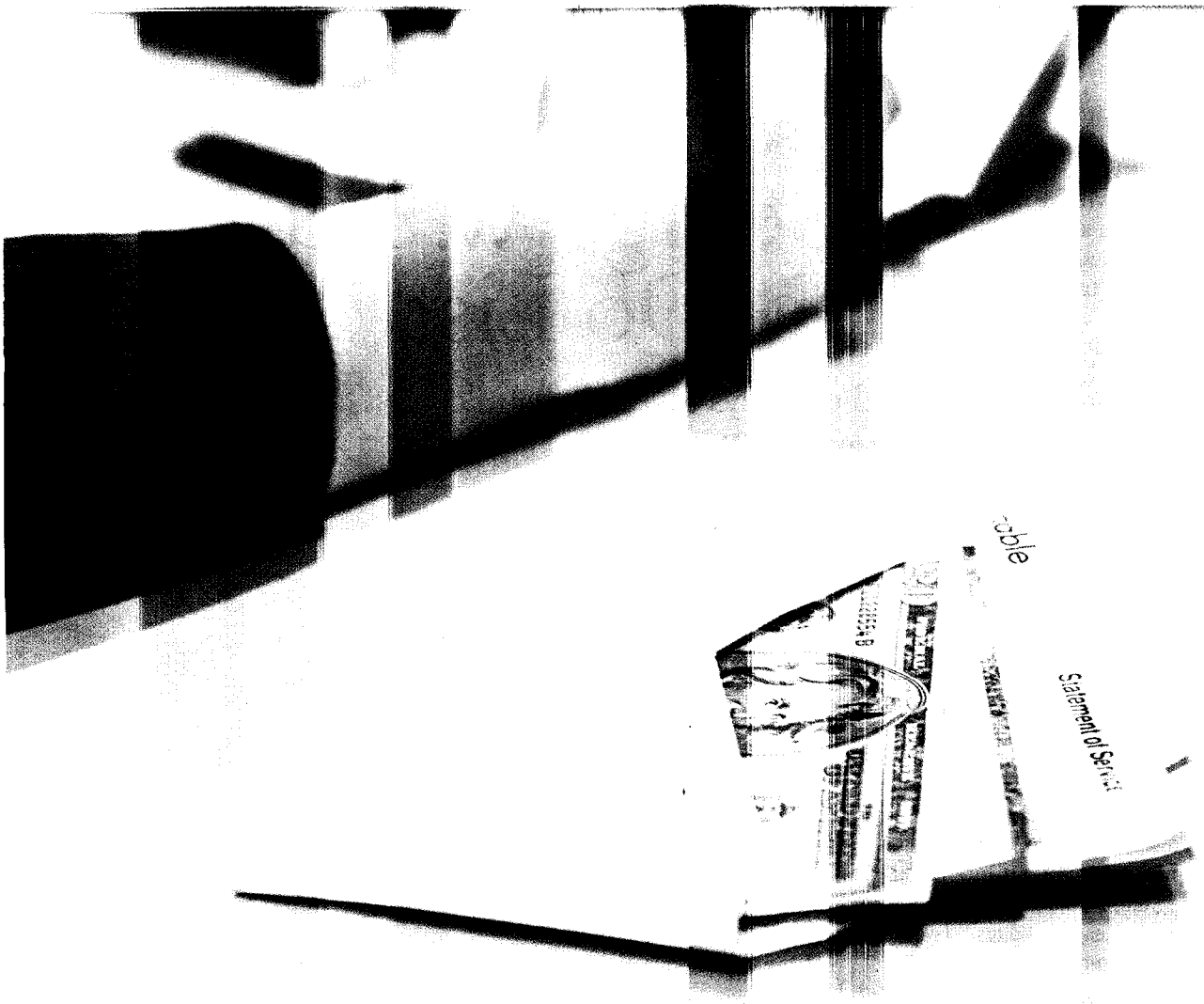
Squeezing Moscow meant, among other things, rethinking whether it was in the American interest to negotiate arms control agreements with the Soviets that had the effect of leaving them with their newly modernized arsenal while restricting our freedom to catch up. Reagan and Weinberger were skeptical about the approach of previous administrations, and staunchly opposed the then-popular idea of a "nuclear freeze." Agreements would have to be on terms that served our interests—and if we couldn't get such terms, well, we would just have to do without the agreements.

Cap enthusiastically supported the president's instinct on this. He was comfortable taking on the arms con-

Richard Perle was assistant secretary of defense for international security for most of the seven years that Caspar Weinberger was secretary of defense. He is a resident fellow at the American Enterprise Institute.

Illustration by Drew Friedman

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



How much do you "tip" your cable TV company every month?

The answer will shock you.

The vast majority of Americans don't have a real choice in television.[1]

That's why they pay more.

How much more? A January report from Bank of America Equity Research says in places that allow competition, prices have dropped 28 to 42%.[2]

Do the math — that's an extra $20 a month on a $60 cable bill. It's like having to tip the cable company for the privilege of not having a real choice.

Fortunately, that might change. Congress is considering a proposal to give people a new choice to traditional cable TV.

To make your voice heard, call 1-888-346-1400 or visit www.wewantchoice.com.

1. Evidence shows that the presence of another wireline operator is critical to effective competition. The General Accounting Office found that DBS (satellite) competition causes only "a slight reduction" in cable prices while "competition from a second wire-based operator appears to significantly lower cable prices." GAO-04-8: Issues Related to Competition and Subscriber Rates in the Cable Television Industry, October 2003.
2. In areas where wireline competition has been introduced, the incumbent cable provider cut prices between 28-42%. "Battle for the Bundle: Consumer Wireline Services Pricing," Bank of America Equity Research, January 23, 2006.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

trol lobby that had become a formidable advocate within the Departments of Defense and State and the establishment media. In the end, Reagan achieved treaties—on terms that liberal arms control advocates had, to a man, declared to be too favorable for the United States and therefore impossible to achieve.

Cap was an unusual cabinet secretary, especially at the Defense Department, because he had ambitious goals and he drove to achieve them with both energy and political skill. He knew how to construct bureaucratic alliances. And he knew how to maneuver. He once delayed for several days an important memo advocating a bold position on a controversial arms control issue (limiting medium-range missiles in Europe) so he could send it to the president from his airplane over the Atlantic. He knew that an encrypted message sent from abroad would reach the president without interception (by the State Department). It did, and Ronald Reagan days later announced the famous "zero option," which called for the total elimination of medium range missiles, a proposal the Soviets immediately rejected. Six years later, Mikhail Gorbachev and Ronald Reagan signed an agreement that did precisely that.

Cap was an easy man to work with, and for. He could be tough and demanding, but he was kind and considerate. And when you did a good job, he was happy to say so. "I like your memos," he said to me after a few weeks on the job. "You don't split infinitives."

Cap Weinberger was widely read, witty and urbane, a man of grace and charm. His humor was dry and plentiful.

Cap suffered fools with remarkable equanimity. And he encountered many. His indictment for alleged wrongdoing in the Iran-contra affair was a travesty. So were the whisper campaigns suggesting that because he often disagreed with Israeli thinking, he was anti-Semitic. He was a man of integrity and humanity. He loved freedom and fought for it. America owes him admiration and gratitude. ♦

George W. Bush's To-Do List

Four keys to a successful comeback.

BY FRED BARNES

Bush with Josh Bolten

AP/Wide World Photos

WHAT ARE THE ODDS that President Bush will succeed in his full-blown campaign to recover from a second-term swoon? Not good, if you consider the records of second-term presidents over the past 70 years.

Start with Franklin Roosevelt. He saw a Republican resurgence in 1938, struggled to win reelection in 1940, and was rejuvenated only by World War II. Harry Truman never recovered after the scandals and the Korean War dragged down his presidency. Democrats staged a revival in Dwight Eisenhower's second term as he limped out of office. After enormous success in 1965, the remainder of the John Kennedy/Lyndon Johnson presidency was a disaster. Watergate short-circuited Richard Nixon's second term, Iran-contra doomed Ronald Reagan's, and impeachment ruined Bill Clinton's.

Now Bush is vigorously trying to escape the fate of his predecessors. So, without any ballyhoo or even an announcement, he's mounted a four-front offensive. He's begun to overhaul his White House staff and his administration. He's inviting members of Congress, Republicans and Democrats, to meetings at the White House like never before. He's inaugurated what an aide calls an "open door policy" that includes schmoozing the press and taking questions from the public. And he intends to change his emphasis on policies and initiatives. At least he'd better.

The president's goals are quite simple. He has at least three in mind:

Fred Barnes is executive editor of THE WEEKLY STANDARD *and author of* Rebel-in-Chief *(Crown Forum).*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

What Does This Stand For?

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

improve relations with Congress, strengthen ties to the Republican base of voters, and quash the Democratic talking point that he and his administration are incompetent. To achieve these, he has to improve his popularity as measured by his job approval rating, since the political community and the media are obsessed with this poll number.

Whether in a slump or not, Bush or any president has extraordinary power to change the subject in Washington and indeed around the country—that is, so long as he's willing to be bold, as Bush often is. Let's examine his effort to revive his political fortunes.

• **Staff shakeup.** The president has a problem with firing anyone. Unlike most presidents, he's loyal to his staff, especially those who've been with him for years. Thus, it was highly significant that he allowed Andy Card to fall on his sword during a bad spell for Bush and quit as White House chief of staff. Now the president has braced himself for the pain of more staff switches. He's given the new chief, Josh Bolten, carte blanche to make personnel changes.

They'd better be sweeping. If they are, Bush can create the aura and energy of a new presidency, one ready to overcome troubles and do big things again. The press, communications, congressional liaison, and economic policy offices at the White House may be overhauled. And should Bolten turn his attention to cabinet posts, particularly one or more of the Big Four (State, Defense, Justice, Treasury), he's likely to look first at Treasury Secretary John Snow. Snow's the only one who's not a longtime Bush ally. Rumsfeld has only known Bush since the start of the administration, but he now looks like a Bush lifer.

A spate of major firings and hirings would mesmerize the media. They'd have to cover it extensively. Of course, they'd stress the president was succumbing to the advice of critics. So what? The mere fact of widespread changes, not the press's needling, would dominate the news.

• **Chats with Congress.** The pace of presidential gatherings at the White House with Senate and House members has accelerated noticeably in recent weeks. Three bipartisan congressional groups that had visited Iraq were awarded private sessions with the president last week. The groups included sharp critics of Bush like Democratic senators Russ Feingold of Wisconsin and Carl Levin of Michigan. Meanwhile, Senator Ted Kennedy was invited over to discuss Bush's competitiveness initiative.

More important, though, are the president's meetings with congressional Republicans, who used to constitute his base of support on Capitol Hill. Many of them have become alienated from the president. At one session last week, Bush spent most of the meeting listening to their advice and complaints. It was time well spent.

• **Open door.** Along with his meetings with members of Congress, the president's off-the-record chats with small groups of Washington reporters and his Q-and-A sessions following speeches destroy the image that he's insulated and out of touch. Bush actually surprised the press when he began taking questions following a speech in Cleveland two weeks ago. The first question, however, was based on a hostile book by political writer Kevin Phillips and sought Bush's take on whether the Iraq war and the rise of terrorism are "signs of the apocalypse." Bush replied, "I haven't really thought of it that way."

The president shouldn't expect too much from his sitdowns with reporters. Jimmy Carter and Bill Clinton tried to revive their flagging presidencies this way. They hoped to get reporters to like them or sympathize with them. The tactic failed.

• **Policy shifts.** No one should expect the president to change his policies on fundamental issues like Iraq and taxes. But there are old policies he could reemphasize and new ones he could adopt. At this point, the most important domestic issue is immigration. Bush didn't intervene when the House passed a bill in December limited to border security and has remained on the sidelines as the Senate deals with the issue.

"It wouldn't be smart to play his card too soon," a senior Bush aide said. "We will help get a vehicle off the floor of the Senate, but then engage the issue more during a [House-Senate] conference." Bush's task is huge. He needs to persuade Republicans and conservatives to accept a plan for illegal immigrants already in the country to "earn" citizenship—or at least reconcile them to such a program.

Other issues? Bush could wage a noisy campaign for confirmation of appeals court judges and put together a tax reform plan. One thing he's sure to do is attempt to focus the nation on the terrorist threat once more.

History says all this won't revive the Bush presidency. But it's still worth doing if it aids Bush and Republicans, even a little, in warding off catastrophic defeat in the midterm election in November. And it might. ♦

SUBSCRIBE TO THE WEEKLY STANDARD'S EMAIL NEWSLETTER!

The Weekly Standard Newsletter can appear in YOUR inbox every Friday afternoon. You'll get a preview of the upcoming issue and commentary from our editors.

the weekly Standard.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

It Stands For You.

We're AstraZeneca and we create medicines that improve the lives of millions worldwide. Every innovation that comes from our labs and every action we choose is guided by a fundamental principle — improve your health, your family's health and the health of your community.

We don't have all the answers, inside or outside the lab. But following our principle keeps us focused on what's most important — you.

It's why we are leaders in supporting the implementation of the historic Medicare Modernization Act. We believe understanding the new benefit and the important choices that will help seniors access their medicines is a matter of public health. So we're reaching out with resources and training for physicians and pharmacists. Empowering employees to educate their friends and family. Supporting organizations so they can better reach seniors at the local level.

That's what AstraZeneca stands for.

AstraZeneca

www.astrazeneca-us.com

©2006 AstraZeneca Pharmaceuticals LP

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Street Fighting Men

The race to succeed Newark mayor Sharpe James.

BY DUNCAN CURRIE

Newark

THE BEST Oscar-nominated movie you didn't see last year was a documentary called *Street Fight*, which chronicles the nasty 2002 municipal election in Newark, New Jersey. PBS first aired it last July, much to the chagrin of Newark's five-term mayor, Sharpe James. As the *New York Times* reported, James fired off a string of piqued letters to the network, blasting *Street Fight* as "nothing more than free political advertising" for his 2002 opponent, a young reformer named Cory Booker. The film indeed paints James as a thuggish machine pol waging a campaign of dirty tricks and racist slurs to derail Booker, whose gilded résumé makes you expect one of Tom Wolfe's Masters of the Universe: Stanford, Rhodes Scholar, Yale Law School.

Both James and Booker are African-American Democrats. But as *Street Fight* shows in gritty detail, James muddied the race with charges that the light-skinned Booker was not "really" black: that he was a pawn of "far-right" Republicans, Jewish groups, and the Ku Klux Klan.

Booker at first took the racist jabs in stride, trying to run what *Street Fight* creator Marshall Curry dubs a "choir-boy" campaign. But he angrily rebuked James during their one debate and also put out negative ads highlighting the mayor's personal wealth—including a yacht, a Rolls Royce, and two six-figure jobs (mayor and state senator) on the public payroll—while listing Newark's poverty, failing schools, and rampant crime.

Duncan Currie is a reporter at THE WEEKLY STANDARD.

The Booker tack almost worked. He lost the May 2002 ballot by a mere 3,500 votes (in a city of some 280,000 people). This after a campaign marred by physical intimidation, police coercion, and downright criminality—so much so, in fact, that the Justice Department sent election observers to monitor the Newark poll for fraud.

This spring, Booker, now 36, is once again running for mayor, in what looked like a bitter rematch. But on March 27, Sharpe James, 70, withdrew from the race, only 11 days after he rode to City Hall on a bicycle and ostentatiously filed for reelection minutes prior to the deadline. So Booker is now arguably the favorite to be Newark's next mayor, his chief competition being Deputy Mayor Ron Rice, 60, who is also a state senator. Election Day is May 9.

One Sunday afternoon in late March—the day before James bowed out—I sat in Booker's East Ward headquarters watching *Street Fight* with dozens of supporters and their children. We were waiting for the candidate to arrive at a "coffee klatch," where residents of the mostly Portuguese and Hispanic neighborhood (known to locals as "the Ironbound") could enjoy buffet food and hear Booker's spiel. Booker carried this part of the city overwhelmingly in 2002, and he entered the packed room, a modest street-level office, to raucous applause. "This has got to be an issue-driven campaign, and a *mission*-driven campaign!" he thundered. "Our safety must come first!" Newark is a majority-black city, but Booker assured his audience, "I'm going to be a great *Newark* leader"—not just a "great black leader."

All well and good, but will his critics again trot out the race card? "That's their playbook," Booker told me a few days later. "We think it's gonna be just as venal and vicious" as last time. But this time Booker has a much broader support network, including many clergymen and City Hall workers, plus better name recognition. And he's won the endorsements of several prominent labor unions that had previously backed James. Says Ingrid Reed, director of the New Jersey Project at Rutgers University's Eagleton Institute of Politics, "Everything seems to be going in the Booker direction."

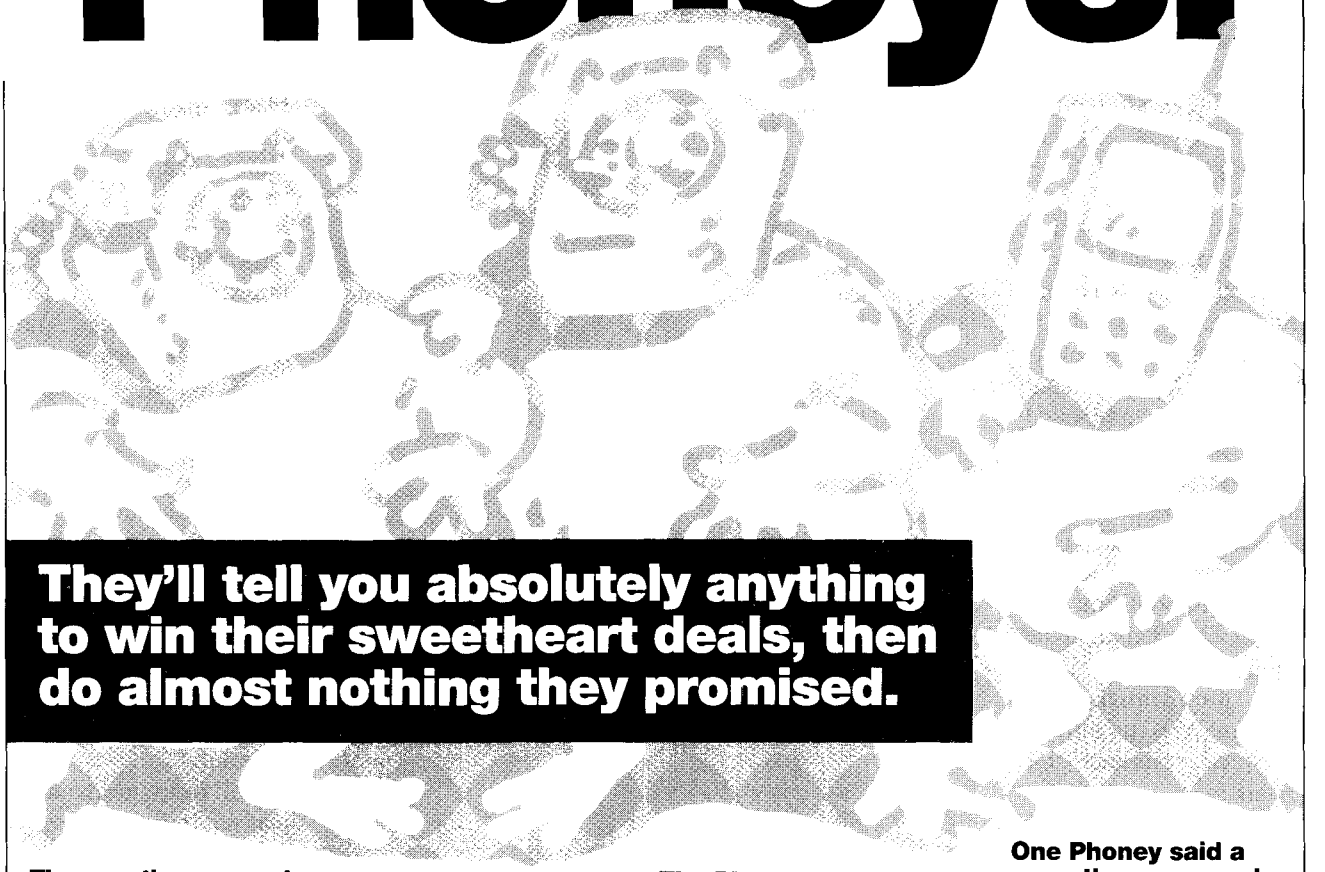
Booker grew up in suburban Harrington Park, New Jersey—hence his opponents' charge that he is a "carpetbagger"—where he was an all-American high school football player. But he has a long family history in Newark, and relocated to the city after graduating from Yale to set up a nonprofit group, Newark Now. At that time, says Booker, one of his heroes was Geoffrey Canada, CEO of the Harlem Children's Zone, a community renewal initiative.

Others might have thought Booker was crazy, eschewing a lucrative career at a blue-chip law firm to move into a city with a violent-crime rate then twice as high as New York or Philadelphia's. But Booker stresses the influence of his parents, battle-scarred warriors of the civil rights movement, who made him appreciate the differences between his own upbringing and the blighted realities of Newark. He soon felt the pull of politics, and in 1998 ran for city council in Newark's depressed Central Ward, where the 1967 riots were concentrated. Amazingly, Booker upset a 16-year incumbent. He promptly moved into the drug-infested Brick Towers housing project, to fulfill a campaign promise that he would live in one of the worst parts of town.

Booker was often a lonely voice on the nine-member city council, but it was on the streets that a series of headline-grabbing stunts boosted his exposure. In August 1999, he pitched a tent outside the crime-ridden Garden

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Meet the Phoneys.



They'll tell you absolutely anything to win their sweetheart deals, then do almost nothing they promised.

They say they support competition ... but they spent the last decade fighting competition while crushing their competitors.

They'll tell you they will bring broadband to every neighborhood ... while they brag to Wall Street they plan to bring it primarily to the most affluent.

The Phoneys say they need "reform" to compete in video. But, ten years ago Congress gave them what they asked for ... now they're just waiting for more and more special favors.

One Phoney said a recently announced mega-merger was good for consumers ... then mentioned they will lay off 10,000 American workers. Wow, if they admit to 10,000 ... how many do you think they really plan to lay off?

They are the Phoneys ... the Bell monopolies.
With an incomparable history of saying anything to try and get their way.

Meet the Phoneys. Beware what lies beneath.

BROADBAND
EVERYWHERE
The truth.

• For more information on these Phoney tales and others, go to www.broadbandeeverywhere.com

Paid for by the National Cable & Telecommunications Association

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Spires housing complex and went on a hunger strike until police (and the mayor) responded. He later spent several months living in a mobile home, which he would park in neighborhoods plagued by crime and drugs—again, to encourage a beefed-up police presence on Newark's streets.

Meanwhile, on the council, the wonkish Booker established his reputation as a pragmatic New Democrat: a qualified supporter of school vouchers and a fan of Rudy Giuliani's policing reforms in New York. In 2000, the centrist Democratic Leadership Council named Booker one of its "100 To Watch." That same year, he addressed the conservative Manhattan Institute, where he made an impassioned plea for school choice. (Lest anyone consider Booker a closet Republican, it should be noted that he volunteered for Jesse Jackson's presidential campaign in 1988 and affirms his "great reverence" for Democratic senator Barack Obama.)

By the spring of 2002, Booker was the toast of such assorted luminaries as Jack Kemp, Bill Bradley, George Will, Spike Lee, Cornel West, and Barbra Streisand. But in the rugged, wildly corrupt arena of Newark politics, as Curry's documentary puts it, elections are won and lost in the streets. When Booker criticized James, the mayor cast it as an attack on the city itself. James also touted the "renaissance" he'd overseen in Newark, marked principally by a revived downtown. And he relentlessly zinged Booker for being an Uncle Tom, a right-wing puppet, and a "faggot white boy." "You have to learn to be an African American," he lectured Booker at one point. "And we don't have time to train you."

One African American who has no use for such race-baiting is Ron Rice Jr., son of the deputy mayor and a city council candidate in the West Ward. The younger Rice, 38, is a robust Booker supporter, as he was in 2002, even though his father is now Booker's opponent. "My dad does not poll well against Cory," he says. Rice Jr. is bullish on Booker's chances, and believes the "racial authenticity" nonsense has lost its potency. "It shows we're growing up as a city," says Rice.

AP/ Mike Derer

Mayoral candidate Cory Booker at his law office in Newark

If elected, Booker will face daunting challenges. "Renaissance" notwithstanding, Newark is still a city of abysmal public schools and nearly 11 percent unemployment, where a third of children live below the poverty line, and the rates of murder, infant mortality, and AIDS are frighteningly high. But Booker is convinced an "urban transformation" is possible. His model reformers include both Republicans, such as former Indianapolis mayor Stephen Goldsmith, now at the Manhattan Institute, and Democrats, such as Baltimore mayor Martin O'Malley. "I'm a big believer in what works," he explains.

In many ways, the 2002 James-Booker matchup was a microcosm of black urban politics across the country. It was the Old Guard vs. the New Pragmatists. As the *Chicago Tribune*'s Clarence Page has written: Booker epitomized a crop of "new-wave centrist, racial-outreach black mayors, such as Detroit's Dennis Archer and Cleveland's Michael White (both now out of office), or the District of Columbia's current mayor, Anthony Williams. Each faced such epithets as 'Uncle Tom,' 'tool of the Reagan Right' or 'sellout to the suburbs' from black opponents who had few or no other cards left."

Will that same dynamic play out in the Rice-Booker contest? Sure sounds like it. Cory Booker is "part of the far-right, conservative, Christian wing of the Republican party," Ron Rice Sr. told me. "He is definitely a Trojan horse." The elder Rice can boast "a record of service," having lived in Newark for some 51 years. He rips Booker's pro-voucher stance and notes that his opponent has held fundraisers in leafy suburbs such as Montclair. "People see [Booker] as an outsider," says Rice. "This is my town, and I'm [Newark's] champion."

But Ron Rice Jr. thinks Booker symbolizes Newark's future, while his dad represents its past. "He's a different generation," the younger Rice says of his father. "They've overstayed their welcome." ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A big industry, a bigger responsibility

Any assessment of America's oil and natural gas industry must begin with the understanding that it is an industry of enormous scale, global scope and daunting complexity. Six of the world's 12 largest investor-owned corporations are oil and natural gas companies.

America's oil and natural gas industry is one of the world's most capital-intensive, where companies routinely invest billions of dollars each quarter into exploration, research, development and technology. For example, since 1992 the industry invested more than $1 trillion in exploration, development, production and distribution of oil and gas. During the same period, the industry invested more than $119 billion to protect the environment.

Developing new sources of oil and natural gas is enormously complex and expensive. A single large offshore platform in the Gulf of Mexico, designed to sit in thousands of feet of water, costs more than $1 billion to develop – and there are many such platforms worldwide.

Such investments are commonplace for oil and natural gas companies. In fact, investments have outpaced earnings for most oil and gas companies over the past 10 years.

There are 1.4 million Americans working in the oil and natural gas industry, keeping the nation going strong by providing the petroleum products that make our unparalleled quality of life possible.

America's oil and natural gas industry is dedicated to making the investments necessary to meet our energy needs – now and into the future. As a result, our nation can continue to enjoy a stable, reliable supply of energy.

A Message From

America's Oil & Natural Gas Industry

To learn more, visit ***www.api.org***

© 2006 API

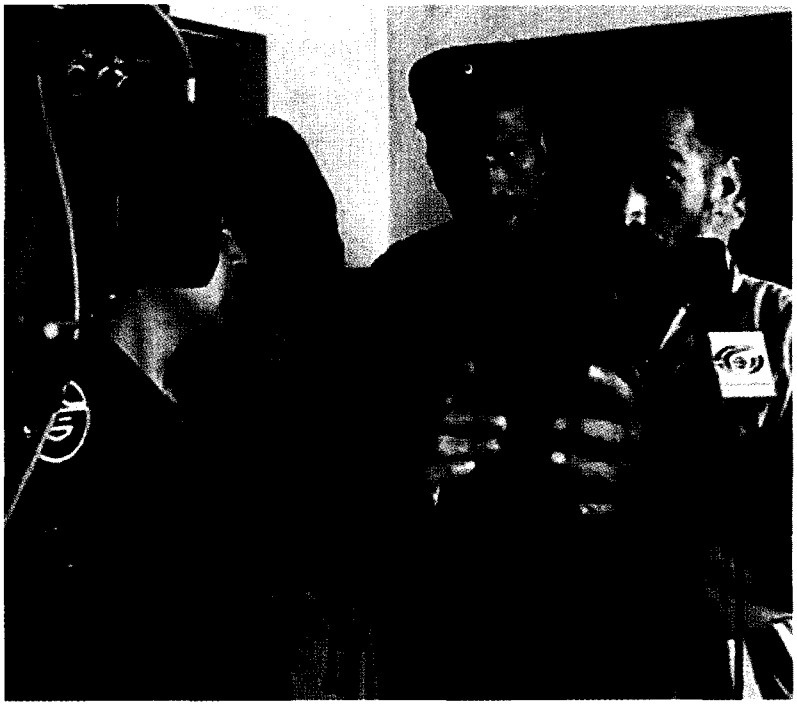
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Apostates from Islam

The case of the Afghan convert is not unique.

BY PAUL MARSHALL

THE NEWS THAT, despite the Afghan parliament's last-minute attempts to prevent him from leaving, Abdul Rahman has been given asylum in Italy has drawn a global sigh of relief. But now is not the time to forget the issue. The case of Rahman—an Afghan Christian tried for the capital crime of apostasy—is not the only one, even in Afghanistan, and is unusual only in that, for once, the world paid attention and demanded his release. But there are untold numbers in similar situations that the world is ignoring.



Reuters Photo Archive

Abdul Rahman, with Bible in hand, at a Kabul court, March 22

Two other Afghan converts to Christianity were arrested in March, though, for security reasons, locals have asked that their names and locations be withheld. In February, yet other converts had their homes raided by police.

Some other Muslim countries have laws similar to Afghanistan's. Apart from its other depredations, in the last ten years Saudi Arabia has executed people for the crimes of apostasy, heresy, and blasphemy. The death penalty for apostates is also in the legal code in Iran, Sudan, Mauritania, and the Comoros Islands.

In the 1990s, the Islamic Republic of Iran used death squads against converts, including major Protestant leaders, and the situation is worsening under President Mahmoud Ahmadinejad. The regime is currently engaged in a systematic campaign to track down and reconvert or kill those who have changed their religion from Islam.

Iran also regards Baha'is as heretics from Islam and denies them any legal rights, including the right to life: There is no penalty for killing a Baha'i. On March 20, Asma Jahangir, the United Nations special rapporteur on religious freedom, made public a confidential letter sent on October 29, 2005, by the chairman of the Command Headquarters of the Iranian Armed Forces. The letter stated that Supreme Leader Ayatollah Khamenei had instructed the Command Headquarters to identify Baha'is and monitor their activities, and asked the Ministry of Information, the Revolutionary Guard, and the Police Force to collect any and all information about them.

Other countries, like Egypt, that have no laws against apostasy, instead use laws against "insulting Islam" or "creating sectarian strife." In 2003, Egyptian security forces arrested 22 converts and people who had helped them. Some were tortured, and one, Isam Abdul Fathr, died in custody. Last year, Gaseer Mohamed Mahmoud was whipped and had his toenails pulled out by police, and was told he would be imprisoned until he gave up Christianity.

While there has been no systematic study of the matter, and many punishments are not publicized, it appears that actual state-ordered executions are rarer than killings by vigilantes, mobs, and family members, sometimes with state acquiescence. In the last two years in Afghanistan, Islamist militants have murdered at least five Christians who had converted from Islam.

Vigilantes have killed, beaten, and threatened converts in Pakistan, the Palestinian areas, Turkey, Nigeria, Indonesia, Somalia, and Kenya. In November, Iranian convert Ghorban

Paul Marshall, a senior fellow at Freedom House's Center for Religious Freedom, is the editor, most recently, of Radical Islam's Rules: The Worldwide Spread of Extreme Shari'a Law.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Dordi Tourani was stabbed to death by a group of fanatical Muslims. In December, Nigerian pastor Zacheous Habu Bu Ngwenche was attacked for allegedly hiding a convert. In January, in Turkey, Kamil Kiroglu was beaten unconscious and threatened with death if he refused to deny his Christian faith and return to Islam.

Meanwhile, on March 21, the Algerian parliament approved a new law requiring imprisonment for two to five years and a fine between five and ten thousand euros for anyone "trying to call on a Muslim to embrace another religion." The same penalty applies to anyone who "stores or circulates publications or audio-visual or other means aiming at destabilizing attachment to Islam."

Converts and Baha'is are not the only ones subject to such violence. Ahmadis, whom many Muslims regard as heretics, suffer a similar fate throughout the Muslim world. The victims also include many Muslims who question restrictive interpretations of Islam. In traditionally moderate Indonesia, Yusman Roy is now serving two years in prison for leading prayers in Indonesian and Arabic instead of only in Arabic.

Abdul Rahman's plight is merely the tip of the iceberg. Like the violence over the Danish cartoons of Muhammad, or the Ayatollah Khomeini's demand that Salman Rushdie be killed for blasphemy, it reveals a systematic, worldwide attempt by Islamists to imprison, kill, or otherwise silence anyone who challenges their ideology.

We need to go beyond the individual case of Abdul Rahman and push for genuine religious freedom throughout the Muslim world. Especially we need to push for the elimination of laws against apostasy, blasphemy, heresy, and "insulting Islam." They seek to place dominant, reactionary interpretations of Islam beyond all criticism. Thus—since politics and religion are intertwined—they seek to make political freedom impossible. ♦

No Investors Need Apply

Congress's message to foreign capital.

BY GERARD BAKER

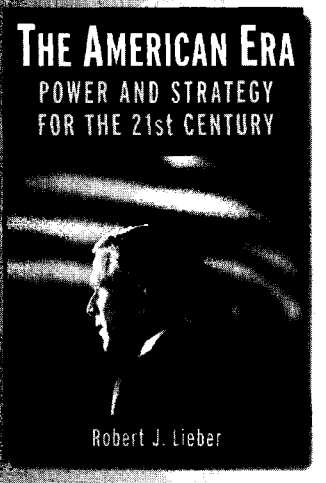
AMERICA'S LEGISLATIVE LEADERS spent a good deal of time last week discussing what to do about "undesirable" foreigners. Illegal immigrants were the main target. The Senate and House so far are diverging widely on whether it is best to keep them in or throw them out. Since doing the first defies angry voters and doing the second defies implacable economic forces, it is not going to be an easy decision.

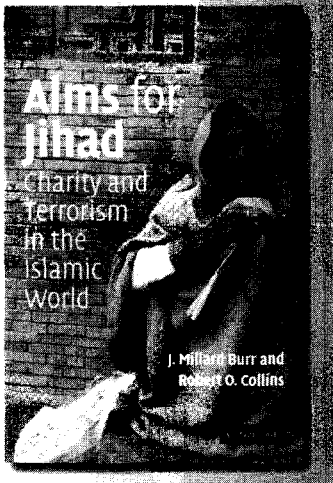
Gerard Baker, U.S. editor of the Times *of London, is a contributing editor to* THE WEEKLY STANDARD.

Rather quicker progress looks likely, however, on halting the other invasion that has the Lou Dobbs crowd steamed up—supposedly unscrupulous foreigners who want to buy U.S. companies. Richard Shelby, the chairman of the Senate Banking Committee, has proposed a bill that would significantly tighten the rules under which foreign takeovers are approved by regulators. It looks likely to gain widespread support in both the House and the Senate.

That's hardly surprising. The political cost-benefit analysis of cracking down on foreign takeovers can be

A BRAVE NEW WORLD?





CAMBRIDGE UNIVERSITY PRESS
www.cambridge.org/us

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

done in seconds, without pencil and paper. While even the hardest-hearted of immigration foes can be made to feel a bit queasy at the sight of half a million illegals and their families on the streets of Los Angeles, no one is going to get upset when British corporate lawyers, Swiss drugmakers, or Arab sheikhs are denied access to their acquisition targets.

Which is a pity. Because the law that Congress seems likely to pass could end up doing damage to the U.S. economy. Shelby's proposal takes the sledgehammer of congressional oversight to a foreign investment review process that has served the country well for decades. The idea emerged from the collapse of the ill-starred effort by Dubai Ports World to buy six U.S. ports as part of its acquisition of a British shipping company. Fulminating at this surrender of U.S. infrastructure to untrustworthy Arabs, congressional foes identified a once obscure but now eagerly demonized interagency committee called CFIUS as the culprit and vowed "reform."

The Committee on Foreign Investments in the United States is, as everyone now knows, the body tasked with reviewing takeover bids for U.S. companies that might have implications for American national security. Despite the rhetorical shellacking it took over the Dubai deal, CFIUS is a serious, deliberative process that considers, on their merits, the implications for U.S. security of potentially sensitive mergers.

Its congressional critics note that CFIUS has rejected only one bid out of thousands it has considered and deem it a soft touch. But that ignores the fact that really dubious takeover proposals do not get as far as CFIUS, but are sniffed out much earlier. If the government of Yemen made a bid for Lockheed Martin, you can safely bet the cost of an F-16 it would not get near a CFIUS review.

Indeed, for almost 20 years since it was established by the Exon-Florio Act, CFIUS has quietly managed to do its business without noticeably compromising the security of the United States. But Shelby, a few of his Republican colleagues, and almost all congressional Democrats are dissatisfied. They want the category of companies that are subject to the CFIUS process to be dramatically expanded—from defense contractors, satellite communications companies, and the like to everything from food producers to banks.

They would also greatly expand Congress's own role in reviewing foreign investment. Though Shelby stopped short of Sen. Bill Frist's proposal to actually give Congress a veto over takeovers, lawmakers would be involved in the process at a much earlier stage.

This politicization of the foreign investment process can have no good consequences. Many of the takeovers of U.S. companies that would be reviewed under the new rules are contested bids, often with an American company also in the running. Hand the approval process on those over to politicians seeking reelection, and you guarantee outcomes that will not serve the interests of American consumers, businesses, or taxpayers.

The United States now runs a current account deficit of more than $700 billion a year. There is nothing, despite the whining of some economists, intrinsically objectionable about that: Indeed, it reflects the openness of the U.S. economy and its superior attractiveness to international investors. But it does have to be financed from somewhere.

In an ideal world, foreign direct investment would supply much of that needed funding. It is longer-term and more stable than foreigners' purchases of equities or debt, making the U.S. borrower less vulnerable to sudden shifts in the appraisals of international lenders. What is more, it creates jobs, and, as the Organization for International Investment in Washington has documented, these foreign-created jobs are generally much better paying than jobs with domestic U.S. companies.

The U.S. economy's great success over the last 20 years is owed primarily to the triumph of free markets. Deregulation at home and, crucially, the embrace of free trade and free capital movements has opened up competitive pressures, driving down costs and raising productivity.

And yet, at key moments in the nation's history, the temptation to fiddle with those free markets has proved too much for politicians. Whether it was slapping on protectionist tariffs in the Smoot-Hawley Act just as the Great Depression was getting started, or saddling business with billions of dollars in costs from Sarbanes-Oxley after the 1990s equity bubble collapsed, Congress has been a past master in undermining American prosperity and competitiveness. Closing American markets and companies in the name of national security would be another costly error. ♦

Moving?
Let us know your new address.
Go to weeklystandard.com and click on Subscribers Only. Then enter our Subscriber Services department.
We'll follow you!
the weekly Standard

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Cheerful Reaganite

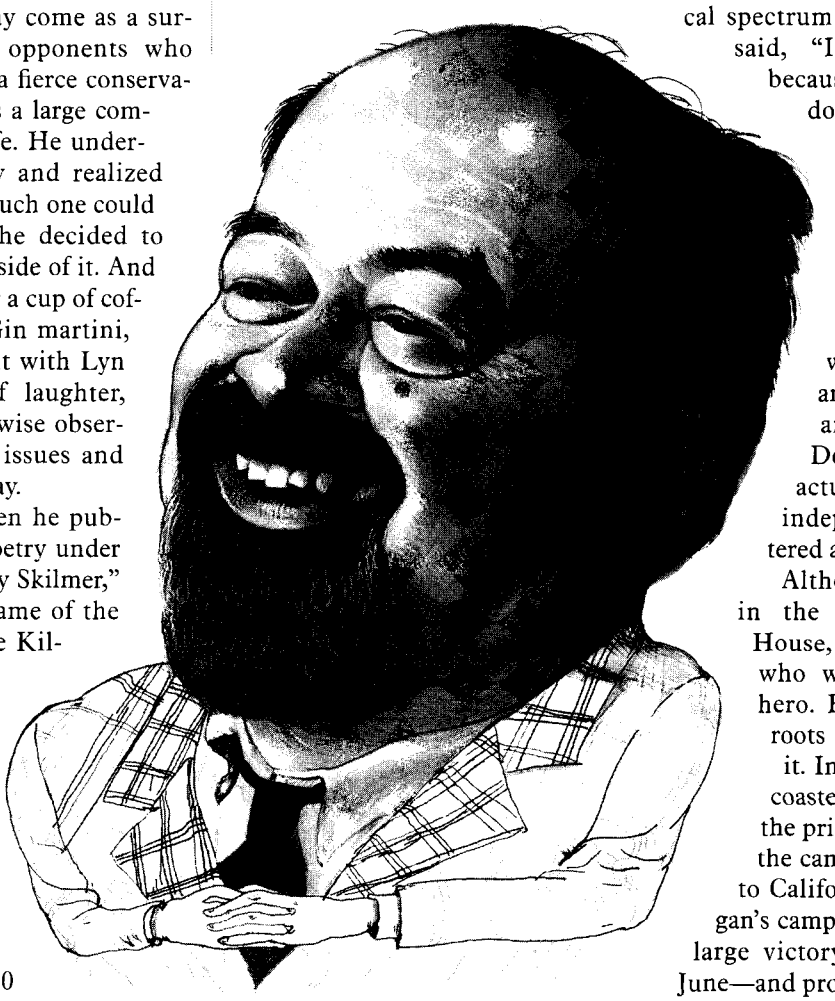
Lyn Nofziger, 1924-2006

BY PETER HANNAFORD

IT'S A GUESS, but about now I imagine Lyn Nofziger may be regaling St. Peter with some of his best puns. He certainly had a great store of them and was always adding to it. It may come as a surprise to political opponents who thought of him as a fierce conservative, but mirth was a large component of Lyn's life. He understood human folly and realized that there wasn't much one could do to stop it, so he decided to enjoy the amusing side of it. And whether it was over a cup of coffee or a Bombay Gin martini, an hour or so spent with Lyn involved a lot of laughter, interspersed with wise observations about the issues and politicians of the day.

I remember when he published a book of poetry under the pseudonym "Joy Skilmer," a takeoff on the name of the "Trees" poet, Joyce Kilmer. It was fun to read those innocently titled verses that turned out to skewer, in rhyme, political sacred cows and those who championed them.

But when we first met over 30 years ago, poetry was far in Lyn Nofziger's future. He was a consultant to Ronald Reagan when I joined the then-governor's senior staff. As the years went on, he was always part of the small circle of aides and advisers around Reagan, but he predated the rest of us. He was there first, as press secretary in Reagan's first campaign in 1966. Having left journalism to join the advocacy side, he brought with him a journalist's dose of skepticism to any political initiative or proposal being considered. He provided the reality check to a lot of ideas the rest of us floated.



Lyn Nofziger

Illustration by Earl Keleny

Lyn always had strong views of the role government should play in the life of the citizenry. ("No man, his home, or his family is safe when the legislature is in session" was one of his favorite lines.) He thought the liberal notion that government was the most honest, surest way to accomplish any purpose was nonsense. And he didn't hesitate to criticize conservatives when they strayed from such basic principles as limited government and self-reliance.

He defined his place on the political spectrum very nicely when he said, "I am a Republican because I believe that freedom is more important than government-provided security. Sometimes I wish I were a Democrat because Democrats seem to have more fun. At other times I wish I were a libertarian because Republicans are too much like Democrats. What I am actually is a right-wing independent who is registered as a Republican."

Although Lyn did a stint in the early Nixon White House, it's Ronald Reagan who was his real political hero. He worked the grassroots for Reagan, and loved it. In 1976, after that roller coaster ride through most of the primaries, he dropped off the campaign trail to go back to California to organize Reagan's campaign there, to ensure a large victory on primary day in June—and produced it.

I remember that spring, when the campaign was interrupted for a few days to plan and produce a nationally televised talk by Reagan (which I was coordinating). Lyn called me—it must have been three or four times—to remind me to make sure we included "a strong beggar" at the

Peter Hannaford was closely associated with the late President Reagan for a number of years.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

end of the talk. By that, he meant a strong appeal for funds. He was right. The "beggar" brought in over a million dollars.

Lyn deserves the credit for creating an organization that played an important role in Ronald Reagan's road to the White House in 1980. I'm referring to Citizens for the Republic (CFTR, as we all came to know it). I remember—as if it were yesterday—the day we learned in late 1976, to our surprise, that the campaign that year ended up with a surplus of $1.5 million (there had been days when we were unsure there was enough money to get the campaign plane off the ground). Lyn's ingenious and farsighted plan for spending the money was to create a multicandidate political action committee, CFTR.

Reagan could not receive any contributions from CFTR, but it could make contributions to candidates favorable to him. He would become the chairman of the organization, which proceeded to conduct weekend grassroots political workshops all over the country. Reagan was the keynote speaker. Those attending spent the rest of the time in sessions on practical matters such as how to get out the vote, run phone banks, do local campaign advertising, and so forth.

The idea was to create a national network of potential Reagan presidential campaign volunteers. That's exactly what happened. By 1980, Candidate Reagan had a ready-made grassroots network of prodigious size.

Ronald Reagan had a great affection for Lynwood (as he usually called him). He liked his tactical astuteness, his loyalty, his advice, and his irreverence—from the rumpled look to his habit of breaking up a serious conversation with a quip (after all, Reagan was known to do the latter, too).

Lyn Nofziger leaves a lot of friends and admirers, some former adversaries, but no enemies. Who could ask for more? I'm sure St. Peter is smiling. ♦

Back to Federalism

The proper remedy for polarization.

BY DAVID GELERNTER

FEBRUARY'S *Commentary* has one of the most frightening essays of recent years, in which James Q. Wilson makes the case that Americans are polarized to an unprecedented extent; bitterly divided. Responsible conservatives should confront this problem and show the country how to solve it. Not to solve it is to invite catastrophe. Why does the burden fall on conservatives? Because they are running the federal government and it is their duty to lead.

Wilson lists several causes of today's profound polarization. He mentions the divided, politicized press, one-issue pressure groups, the polarizing effects of higher education, and the rise of ideological parties in place of the old-style sectional coalitions Americans are used to.

There is another cause too: the collapse of federalism. The Founders designed a vast garment for America that hugs where it should hug and stretches where it should stretch; each state creates its own society, and the Constitution stitches them all together into a comfortable, sensible union suit. "As this government is composed of small republics, it enjoys the internal happiness of each," writes Alexander Hamilton in *Federalist* 9, "and with respect to its external situation, it is possessed, by means of the association, of all the advantages of large monarchies."

But the collapse of federalism has ruined this valuable arrangement. The collapse gathered momentum with the Supreme Court's 1973 decision in *Roe* v. *Wade*, which legalized abortion and was a tragedy for reasons beyond those that are usually discussed; a tragedy even for Americans who believe in completely unregulated abortion. *Roe* was a power grab in which uniformity was imposed on a facet of society that had been allowed to vary. "Diversity" is a big selling point on the left, but not among believers in an activist Supreme Court.

At the start of the 1960s, some states permitted abortion where the mother's life was in danger, or in rape or incest cases. Others banned it completely. (Of course illegal abortions were always available, sometimes under hideous conditions.) Then things started to change. In 1967, Colorado passed the first liberalized abortion law of modern times. In 1970, New York became the first state to allow abortion on demand, for the first 24 weeks of pregnancy. Several other states followed, but their laws included residency requirements to restrict eligibility. New York's did not. Accordingly, large numbers of people made their way to New York in the early '70s for legal abortions.

But unlike the 1973 *Roe* decision, the 1970 New York State law did not become the springboard for a nationwide antiabortion movement. Those who believe that some deed is a crime want it to be illegal, not inconvenient. And after 1970, legal abortion on demand was inconvenient—but available. So there is no reason in principle that the New York law shouldn't have been just as agitating and hateful to pro-lifers as the 1973 Court decision.

No reason *except* federalism. True federalism accommodates profound national disagreement by allowing each state to tailor the local climate to suit itself. Federalism is an escape-

David Gelernter is a contributing editor to THE WEEKLY STANDARD.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

valve that lets polarizing bitterness blow off into the stratosphere. In 1971, conservative Texans (for instance) might have been unhappy about New York's abortion law. But at least *their own* state—their own society, which they had built for themselves and their children—wasn't implicated in the crime. Conservative Texans believed they had done the right thing even if New Yorkers hadn't.

Come 1973 this invaluable peace of mind was stolen from them. In 1973, the Supreme Court imposed a uniform view of abortion on every community in the nation. (Like the ancient Romans forcing images of their gods into every temple in the Empire.) Of course there *are* cases in which moral considerations require all states to do the same thing. But anyone could have seen that, in the case of abortion, there were serious arguments on both sides. And nowadays even (some) liberals admit that there is no "right to abortion" in the Constitution. *Roe* was a power grab pure and simple, an exercise in "raw judicial power" as Justice Byron White wrote in his *Roe* dissent, which seriously damaged federalism in America. A few weeks ago, South Dakota's Republican governor signed a highly restrictive new abortion law. That's what federalism is for: letting South Dakota's citizens do what they think is right in their own state, not what Vermont or the Harvard faculty thinks is right. But the law is a direct challenge to *Roe*, and its hold on life is tenuous.

How to save the country from poisonous polarization, or at least to take a first step? The Constitution's Framers were well aware of the dangers of "consolidation" versus federation. (Consolidation meant abolishing separate state societies in favor of one national society.) The authors of *The Federalist* knew that each state must be allowed to run its own show. How could this result be guaranteed? By the nature of Congress. Each house (the authors explain) will consist of legislators who represent particular constituencies. The members of such a legislature invariably speak up for their constituents first, the nation at large second. Delaware won't need to worry about the federal government's butting in where it doesn't belong, because Delaware's members of Congress will guard Delaware's interests. "Everyone knows that a great proportion of the errors committed by the State legislatures," writes James Madison in *Federalist* 46, "proceeds from the disposition of the members to sacrifice the comprehensive and permanent interests of the State, to the particular and separate views of the counties or districts in which they reside." Congress would work the same way; Delaware would have nothing to fear.

The House and Senate do indeed work this way. The *Federalist* authors were right. What they failed to foresee was the transformation of the Supreme Court into a third chamber, a U.S. version of Britain's House of Lords in its heyday, with unelected members who serve for life and do *not* represent constituencies.

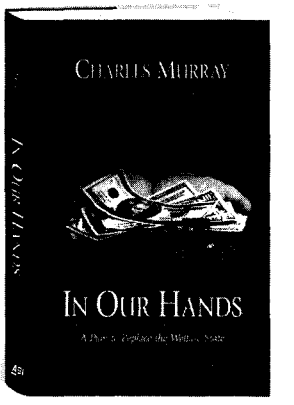
We used to have a Supreme Court; today we have a House of Justices, not a Supreme Court but a Supreme Council, which dominates the two other branches. No wonder the nation goes temporarily haywire whenever a vacancy opens up.

While Britain has gradually reduced the Lords to impotence, America has gone the other way, allowing the Supreme Court to increase its power. And incidental details lend the analogy disturbing resonance. The architectural and ceremonial accouterments of the Supreme Court make it *seem* like an uppermost chamber—those tony robes, that fancy building that has never (unlike the Capitol and the White House) been trampled by a good old-fashioned American mob.

Yet the Court never used to be as important as it is today. Many educated people can't say who was chief justice under Lincoln or during the Second World War, or who wrote the *Dred Scott* decision, or when the Supremes moved into their gorgeous white temple. Previous generations rarely saw bitter, polarizing fights over Court

New from the AEI PRESS

A NEW DEAL FOR A NEW CENTURY



234 pages
ISBN 0-8447-4223-6
$20.00, hardcover

Two decades ago, Charles Murray's *Losing Ground* revolutionized the way we think about welfare. His target now? Entitlements. He wants to eliminate all of them—from Social Security to corporate welfare—and give American adults $10,000 a year instead.

He was ahead of his time then. Find out what he's thinking now.

Available in late March.

Buy this book and others online at www.aei.org or call the National Book Network at 1.800.462.6420. Get 20% off when you mention promotional code AENA0608.

AEI PRESS *publisher for the American Enterprise Institute*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

nominations, not merely because the nation was less polarized; because the Court itself was less important. The nation has just got through a fight over Samuel Alito. He was confirmed, as he should have been. Conservatives worked furiously on his behalf to defeat frantic liberal efforts against him. But few on either side pointed out that the whole fight (as well as previous Democratic Borkings and attempted Borkings) was bizarrely off key: Supreme Court nominations were never supposed to *matter* this much.

Of course conservatives must fight to put the best possible conservative judges on the Court. But they have another and higher duty: to put the Court in its place; to abolish the self-created, all-powerful House of Justices.

Federalism has been losing ground ever since FDR hugely expanded the scope and power of the central government in the 1930s and '40s, and segregationists used states' rights as a weapon against integration in the 1950s and '60s. Modern conservatives are likely to complain about court-ordered damage to democracy, not to federalism. And of course it's true that, when unelected judges override elected legislatures, democracy loses.

But an era where deep and fundamental moral questions divide the nation is in need of a revival of federalism. Federalism supplies the expansion joints that make America supple rather than brittle; make it a bridge that can ride out hurricanes without falling to pieces, that can sustain enormous twisting, turning, and tearing forces without cracking.

How can the nation beat back the courts' attack on federalism? We could choose some issue the federal courts have appropriated, hand it back to the states, and forbid the federal courts ever to touch it again. That would be a first step. But what mechanisms to use, and what issue to choose?

There are two possible mechanisms: a constitutional amendment, and congressional legislation limiting the federal courts' jurisdiction. The Constitution gives Congress explicit power to limit the Supreme Court's jurisdiction (Article III, section 2) and plainly implies that Congress may also define and limit the jurisdiction of lower federal courts. In recent years several writers (Ramesh Ponnuru in *National Review*, for instance) have pointed out that congressional legislation is a legitimate, plausible approach to controlling out-of-control federal courts.

Both a constitutional amendment and jurisdiction-limiting legislation have their points. Amendments are hard to pass—which might be a kind of advantage; basic court reform must have wide public support if it is going to last. (If conservatives are serious about rolling back judicial power, and don't aim merely to confiscate the left's judicial blackjack and hand it over to the right, then broad public support is essential.) Jurisdiction-limiting legislation, on the other hand, offers fast relief.

Although abortion is an intensely controversial issue, it's also a logical one on which to base a campaign to restore federalism. Annulling *Roe*, returning control over abortion law to state legislatures, and forbidding federal courts to touch the issue offers advantages to liberals and conservatives both.

Liberals will go ballistic over this suggestion. *Erase* their beloved *Roe*? But many states would pass their own liberal abortion laws. Legal abortions would still be readily available. *And* liberals would no longer need to throw fits over each new Supreme Court nomination. Justices would no longer have the power to override the people's will on this topic.

Some conservatives, too, are likely to be outraged at the prospect of such a law, as it would end their daydream of a Court-decreed abolition of legal abortion. But they'd still have the power to restrict or even ban abortion in their own states, if they were persuasive enough to carry the local citizenry with them. Although voluntary abortion would still be legally available in America, conservatives would have the power *in principle* to change things all over the country, wherever they were able to convince a majority of a state's population to follow their lead.

And even if conservatives failed to pass significant restrictions on abortion, they'd know that abortions were legal because *the people willed them to be*, not because five justices did. Assuming that strong restrictions on abortion are morally imperative (I think they are), Supreme Court rulings are the wrong way to get them. Granted, *Roe* was a corrupt ruling that must still be overturned. But conservatives can't argue any more convincingly than liberals can that the Constitution addresses abortion.

Some states, of course, are just barely red or blue. Some states would see bitter fighting instead of relieved agreement over local abortion law. Yet many states do seem to be fairly decided and consistent in their liberalism or conservatism. In all events, federalism is no panacea, and can't possibly make all polarizing disputes disappear. It is merely a help. And we need all the help we can get.

There is no reason for conservatives to attack polarization by abandoning their agenda and moving to the center. Conservatives are on a roll. In broad terms (forget this week's headlines, and this month's, and this year's), conservatives have become (to the horror of the cultural establishment) the smart party, the high-IQ party, the party of ideas. Open-minded thinkers turn increasingly to the right. Conservatives can serve their country best by defending their ideas, not by dumbing them down to fit a centrist preconception of what Americans really want. Americans say they like centrist ideas but don't; they like exciting ideas that seem likely to move the country forward, and make it a closer approximation to the "shining city on a hill" it was always supposed to be.

A restoration of federalism is the best hope we have to help heal the bitterness that could otherwise tear this country apart. We've already had one civil war. Anyone want to try for two? ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Housing Bubble Trouble

Have we been living beyond our means?

By Andrew Laperriere

"If something can't go on forever, it won't."

—Herb Stein

With new home sales down 10.5 percent in February, and with home prices declining for the fourth month in a row, it's high time for a sober look at the consequences of a major housing correction. The Federal Reserve, Wall Street economists, and other observers of the U.S. economy are closely watching the housing market because it has been a key driver of economic growth over the past several years.

Roughly a quarter of the jobs created since the 2001 recession have been in construction, real estate, and mortgage finance. Even more important, consumers have withdrawn $2.5 trillion in equity from their homes during this time, spending as much as half of it and thus making a huge contribution to the growth the U.S. economy has enjoyed in recent years (consumer spending accounts for two-thirds of GDP).

But consumers cannot keep spending more than they make. Eventually, home prices will flatten, the flood of "cash out" refinancings will become a trickle, and consumer spending will slow, as will job creation in housing-related industries. The big question is this: Will the housing sector experience a soft landing and slow the economy or a hard landing that pushes us into recession?

Countless articles in the financial and popular press have now been devoted to the question of whether we are in a housing "bubble." It is a favorite topic of many liberal economists, columnists, and bloggers, who argue that President Bush's tax cuts and other policies have created a hollow and unsustainable economy. They are laying the groundwork to hang a housing bust around the necks of President Bush and congressional Republicans.

Economic observers on the right have been strangely silent on this debate. A few conservatives have argued that the record appreciation of home prices is justified by economic fundamentals. Others, who apparently slept through the 80 percent decline in the NASDAQ, don't believe bubbles are possible in a free market economy. Certainly most conservatives have an innate optimism about America and the resilience of its free market economy, and a strong and well-justified aversion to doomsayers. And naturally, the White House and congressional Republicans have no interest in highlighting the vulnerabilities of the economy.

Yet the concerns about unsustainable growth in consumer debt and home prices are not easily dismissed. A weakening housing market could transform what has been a virtuous cycle into a vicious one, substantially reducing economic growth during the next couple of years (and going into the 2008 election). If economic analysts on the right ignore this risk, they may be blindsided by a weaker economy. They will also be unprepared to answer those on the left who will blame tax cuts for what could be a painful unwinding of a credit bubble that, in fact, was fueled by a loose monetary policy from 2002 to 2004.

The crux of the debate is house prices. If the inflated prices are justified by economic fundamentals and sustainable, then the 82 percent increase in mortgage debt since 2000 will probably turn out to be innocuous and the risks to the economy minimal. If, on the other hand, prices are out of whack, painful adjustments lie ahead.

Unfortunately, the weight of the evidence strongly suggests a bubble. The price of the median home is up an inflation-adjusted 50 percent during the last five years, an unprecedented national increase. It is true, as Alan Greenspan and others have observed, that real estate is regional, and much of the country has not experienced sig-

Andrew Laperriere is a managing director in the Washington office of ISI Group, a Wall Street economic research and brokerage firm.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

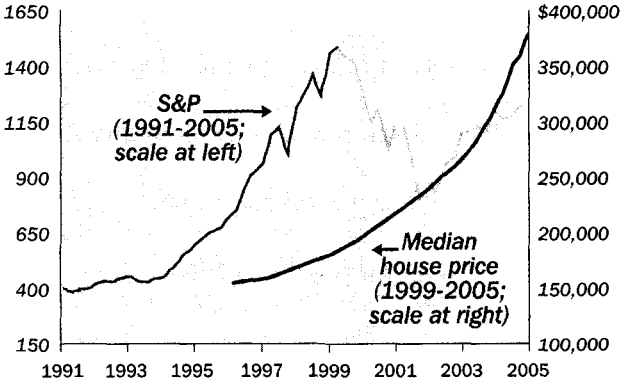
nificant price gains. However, prices are overextended in enough areas that a real estate correction would have national fallout. The mortgage insurance company PMI estimates that regions accounting for more than 40 percent of the nation's housing stock are overvalued by more than 15 percent. Other estimates of overvaluation are much higher.

Economists at international banking giant HSBC have identified 18 states and the District of Columbia as "bubble zones." House prices in these zones look remarkably similar to the rise in the S&P 500 during the 1990s stock market bubble (see chart below). They have dangerously diverged from historic valuation trends, and thus are very likely to drop during the next few years.

Just as cheerleaders of the high-tech bubble of the late 1990s developed ever more creative explanations for why traditional metrics of valuing stocks no longer applied, the same has been true during the housing bubble. Housing

A Tale of Two Bubbles

Prices in HSBC's "bubble zone" look familiar



SOURCE: HSBC

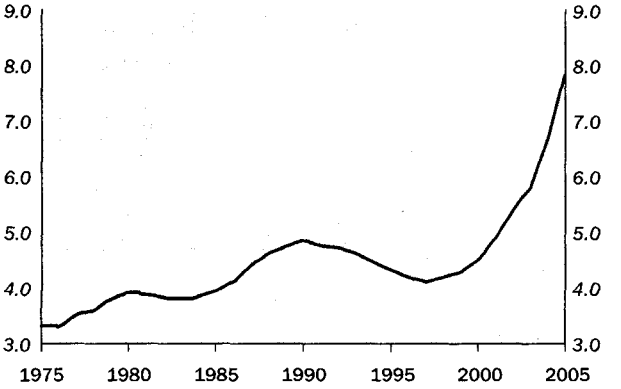
bulls point to immigration, building restrictions, Baby Boomer demand for second homes, and other seemingly plausible justifications for skyrocketing home prices. But examining the value of housing using time-tested and common-sense metrics such as price-to-income and price-to-rent ratios suggest the gains in the bubble areas can't be explained by economic fundamentals.

Consider the price-to-income ratio (above, right), an obvious measure of affordability. This ratio has reached an unprecedented level in the bubble markets. While this ratio hovered around its average of 4-to-1 for the past 30 years, it has zoomed to nearly 8-to-1. The current figure is 3.6 standard deviations from its average level, which, if the data have a normal bell-shaped distribution, means the odds of the price-to-income ratio reaching this level would be less than 1 in 300. In other words, it is off the charts.

The National Association of Realtors recently pro-

In the Bubble Zone

The house price-to-income ratio



SOURCE: HSBC

duced an analysis of about 100 different metropolitan areas and found prices justified in every one. The NAR concludes it would practically take a depression for home values to drop 5 percent. But this is an awfully rosy scenario from a group that routinely warns of 15 percent declines should Congress even tinker with the home mortgage interest deduction.

Consider the case of the Washington, D.C., area. According to NAR, the price-to-income ratio has averaged about 2-1 for the past 25 years and now stands at a record 3.4-to-1, or 70 percent above its normal level. Assuming incomes grow 5 percent a year in the D.C. area (the average of the past decade), home prices would have to drop 25 percent for this ratio to return to its historic average within the next five years.

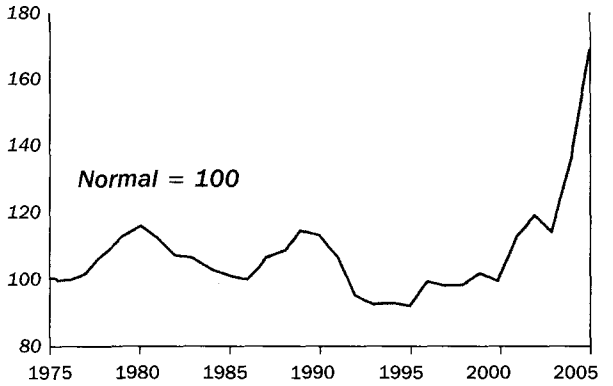
An even better indicator of how divorced home prices are from their underlying economic value is the price-to-rent ratio (see chart, top of next column). In the Washington, D.C., metro area, which had remained relatively constant for several decades, this ratio has soared since 2000. Yet home prices and rents should remain closely linked. Why would one buy a house, condo, or vacation home if it was significantly cheaper to rent it? Or why would an investor buy a property that rents for far less than his mortgage and other costs? Rent is a reality check because it reflects the actual earnings power of the asset.

Consider the example of a townhouse in Fairlington, a venerable apartment and townhouse community in the Virginia suburbs just a few miles from the nation's capital. It's an instructive example because there are hundreds of similar units, and those put on the market at the prevailing market price move quickly. A typical three bedroom townhouse in Fairlington recently sold for $575,000. Assuming the owner put 10 percent down and took out a traditional 30-year fixed-rate mortgage, the monthly payment would be just under $3,200. Add in property taxes, a condo fee,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Price-to-Rent Ratio

Washington, D.C., metro area



SOURCE: HSBC

and the tax breaks for home ownership, and the cost of owning this unit comes to about $3,000 a month. (Note that this analysis takes into account the lower cost of owning due to low interest rates and ignores the $57,500 down payment.) Yet the very same place rents for no more than $1,700 a month, or just over half the cost of ownership.

Why own it? One powerful reason must be an expected profit down the road. People are buying in the face of sky-high prices because they've seen so many of their friends or relatives make a fortune in real estate; besides (they tell themselves), everyone knows real estate prices never fall. As with the stock market during the tech bubble, many are basing purchasing decisions not on underlying economic value, but on what they think they can sell a property for in the future—the very definition of a speculative bubble.

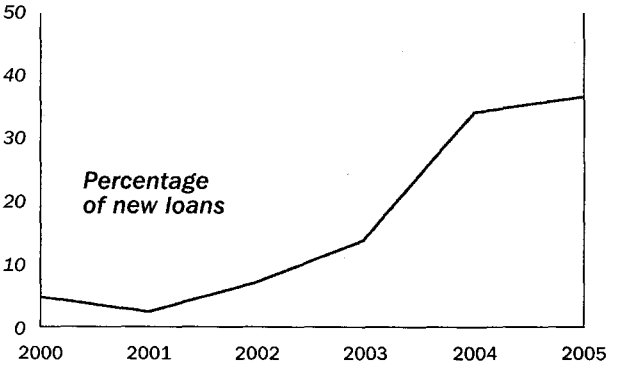
Not only are house prices at extreme levels by traditional measures, but the manner in which home purchases have been financed in recent years is also disconcerting. Consider the growth of interest-only and "pay-option" adjustable rate mortgages—loans that initially don't require borrowers to repay principal. With the latter, also known as an option-ARM, the outstanding balance owed can actually get bigger every month. A few years ago these loans barely existed. Last year they accounted for more than a third of new loans (see chart at right). What's worse, the vast majority of these loans were extended based on "stated income," which means the bank didn't verify the income of the borrower. Of course, consumers usually have to pay more if they don't provide tax and payroll records to the bank to verify their income. Common sense suggests many are fibbing about their income to qualify for a larger loan.

Such loans are risky because after an initial period of three or five years with low rates and no principal payments, the loans "reset," and consumers can experience 50 percent or even 100 percent increases in their monthly payments. About $2 trillion in loans, or a quarter of outstanding mortgage debt, will reset in this fashion during the next two years according to *Economy.com*. Therefore, millions of households are about to experience significant payment shock.

A recent study by First American Corp. shows that many of the borrowers who have taken advantage of the lowest teaser rates and are going to experience the greatest payment increases have little or even negative equity in their homes. Fully 22 percent of the borrowers who borrowed at initial rates of 2.5 percent or less during the past two years have negative equity in their homes, and 40 percent have less than 10 percent equity. The study also finds that a third of people who took out adjustable rate mortgages last year have negative equity and 52 percent have less than 10 percent equity. How is this possible? One reason is that 43 percent of first-time home buyers paid no down payment last year.

Upside Down

The rise of interest-only and "pay-option" loans



SOURCE: LOAN PERFOMANCE (FIRST AMERICA)

If this isn't a housing mania, why have so many people embraced financing schemes that leave them vulnerable to higher interest rates or even a modest correction in home prices? The nation's bank regulators have seen enough and have issued draft rules that will take effect this spring requiring banks to tighten standards on loans where the consumer isn't required to pay principal up front. That's going to tighten credit in the high cost markets, reduce demand for housing and put downward pressure on home prices.

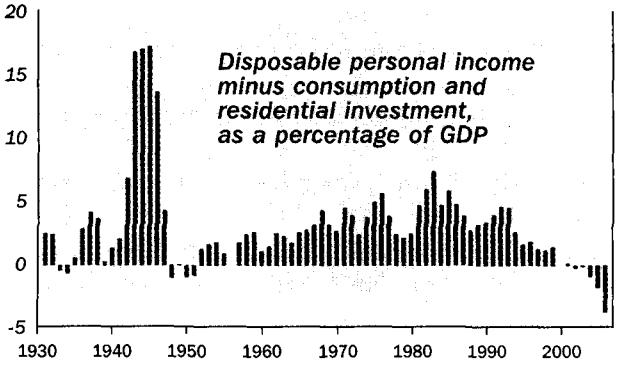
While the evidence of a housing bubble is overwhelming, it isn't definitive. But what isn't debatable is that one cannot forever spend more money than one earns—yet this is exactly what consumers

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

have been doing. For the past five years, Americans have spent more than they have earned—last year, the net borrowing amounted to 3.7 percent of GDP, or over $500 billion. The high level of spending compared with disposable income is also in uncharted territory.

Consumer Deficit

For the past five years, Americans have spent more than they have earned



SOURCE: BEA

It's no coincidence that the above chart closely tracks the growth in spending financed by mortgage debt, the drop in the savings rate, and the growth in the current account deficit. They all are measuring the same phenomenon—spending outpacing income.

The chart (below, right) shows mortgage equity withdrawal (MEW) as a share of disposable income. MEW comes from three sources. It comes from cash-out refinancing, from home sales where people put down a smaller downpayment for the new house than the equity in the old place, and from home equity loans. According to ISI, a Wall Street research firm where I work, last year MEW amounted to $751 billion, more than 8 percent of disposable income and twice the peak reached in the late 1980s. Alan Greenspan estimates that about half of MEW gets spent, so in 2005 that was about $375 billion. This figure was up from about $306 billion in 2004, which means spending financed by withdrawing home equity added 0.6 percent to GDP in 2005. Add in employment and other factors, and the housing boom has added up to one percentage point to economic growth in each of the past few years.

If this borrowing of home equity remains very high but slows from current levels, which is a near certainty if home prices flatten, it would have a depressing effect on the economy. For example, if home prices stabilize and it takes two years for net mortgage equity withdrawal to slow to $259 billion—the level in 2001—this would subtract two percentage points from economic growth during the next two years. The economy's average growth rate is about 3.5 percent per year, so all else being equal, this would cut economic growth to 2.5 percent.

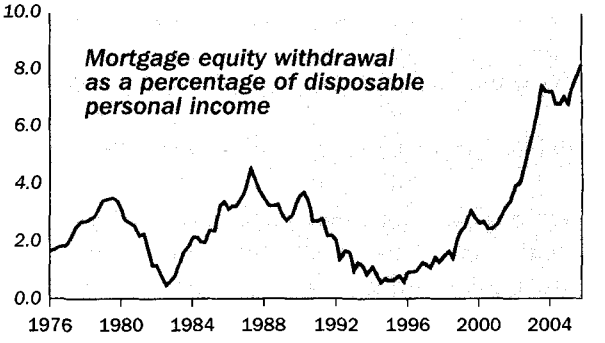
Then there is the fact that about one-quarter of the job growth since the recession has been directly related to the housing boom, so a flat housing market could slow job creation and reduce economic growth even further. This is what has occurred in Great Britain and Australia, where home prices stabilized after a long boom. In Britain, for example, consumer spending slowed dramatically and GDP growth fell from about 4 percent in 2003 to half that the following year.

Even flat home prices would therefore slow economic growth unless other parts of the economy rapidly accelerate. But a hard landing—meaning a recession—is a real risk. If home prices fall modestly, millions of homeowners will see their equity wiped out. Many of those with the least amount of equity, as we've already shown, are going to face significant increases in their monthly payments. So what has been a virtuous but unsustainable cycle for the economy—higher home prices, more borrowing against home equity, higher spending, increased job creation, even higher home prices—could easily reverse and become a vicious cycle—higher monthly payments, declining home prices, less spending, job losses, foreclosures, even lower home prices.

To be sure, there are some very positive trends in our economy, especially strong productivity, and most likely a housing correction won't push the economy into recession. But even a gradual reversal of the housing boom could result in sluggish economic growth and painful adjustments for those in the bubble areas who incurred too much debt during the run-up in house prices. Conservatives ought to seriously consider these risks so they won't be surprised or caught flat-footed if a housing correction occurs. ♦

On the House

A home equity spending spree



SOURCE: ISI

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Courting Abroad

The use and abuse of foreign law by the U.S. Supreme Court

By Jeremy Rabkin

Presumably, it was not quite the debate Justice Ginsburg had in mind. But then, it's not clear that what she really wanted was a debate. Maybe we should have one, anyway.

At the beginning of February, Ruth Bader Ginsburg traveled to South Africa, where she gave a public address on "The Value of a Comparative Perspective in Constitutional Adjudication." She defended the Supreme Court's recent practice of taking guidance from foreign law when interpreting the U.S. Constitution. She acknowledged that the practice has been criticized. She expressed concern at bills before Congress condemning the practice.

Justice Ginsburg has given this sort of speech before, as have several of her colleagues on the Court. She tried to give more edge to this speech by noting that dismissive treatment of foreign opinion had also featured in the Supreme Court's 1857 decision in *Dred Scott* v. *Sanford*, which proclaimed a constitutional right to hold slaves—whatever Congress or international opinion might say. If that were not enough to stigmatize modern-day critics, Ginsburg added that congressional protests "fuel the irrational fringe." A posting on an Internet "chat" site, she explained, had denounced Justice O'Connor and herself for citing foreign law in their opinions and then called on "commandos" to see that "those two justices will not live another week."

The speech got little attention until the story about this threat was picked up by bloggers and then finally by major newspapers. The threat, it turned out, was already a year old and presumably not uncommon in the age of Internet bombast. Justice Ginsburg's allusions provoked exasperation. Even the *Washington Post* complained, in a March 21 editorial, that questioning appeals to foreign law doesn't make someone a racist "or an aspiring domestic terrorist" and chided Ginsburg for "stooping to such insinuations."

But it will be too bad if comment over Justice Ginsburg's manners deflects attention from her position. There is a real debate on this matter, and there should be. The Court appealed to foreign legal practice in three recent constitutional cases: rulings restricting capital punishment in 2002 and 2005 and the ruling against a Texas antisodomy law in 2003. Each time, Justices Scalia and Thomas and the late Chief Justice Rehnquist protested the propriety of such outsourcing. Justice Scalia has made several public speeches in the past two years, criticizing the practice Ginsburg defends. Justice O'Connor and Justice Breyer have given speeches echoing the position of Justice Ginsburg. Quite a few law professors have weighed in on each side. And there are those resolutions of condemnation kicking around in Congress.

If the debate has remained rather academic, part of the reason is that it is hard to disentangle from technical questions. Everyone concedes that references to foreign legal standards can help U.S. courts determine the meaning of treaties to which the U.S. is a party. Everyone concedes that historical sources of English law, particularly when known to the Framers of the Constitution, might help to shed light on the intended meaning of particular constitutional provisions. It turns out that Supreme Court justices have looked to foreign law in a variety of circumstances over the past 200 years. To distinguish appropriate from inappropriate references, scholars are prone to invoke their own pet theories on constitutional adjudication—often falling back on entrenched positions in long-standing debates on when the Constitution should be interpreted in accord with its "original understanding."

Still, even for people who don't want to be drawn into the wrangling of specialists, there are basic reasons to worry about the Court's recent practice of enlisting foreign authorities to smooth the way for contested readings of our own Constitution. Three general objections are particularly worth noticing. Call them the political, the strategic, and the metaphysical objections.

Start with the basic political problem. The fault lines here are unusually stark. Liberals are in favor of foreign appeals and conservatives against. The *Washington Post* headlined its first report on Justice Ginsburg's speech "Ginsburg Faults GOP Critics, Cites a Threat From

---

Jeremy Rabkin teaches international law at Cornell University and is author, most recently, of Law without Nations? Why Constitutional Government Requires Sovereign States *(Princeton).*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

'Fringe.'" It is all there in one headline—except for the failure to describe "Ginsburg" as a "Lib" justice or a "Dem" appointee.

In today's world, appealing to foreign precedent is much like appealing to the United Nations. Anne-Marie Slaughter, dean of the Woodrow Wilson School at Princeton, published a whole book in 2004 explaining that "global governance" in our world would not be achieved by a world parliament but by a network of judges. In *Roper* v. *Simmons*, the Court's 2005 capital punishment case, the Court actually invoked a U.N. convention on children's rights that the Senate has never ratified and a provision in the U.N. convention on civil and political rights that the Senate expressly repudiated.

In her South Africa speech, Justice Ginsburg tried to frame such practices as looking to foreign law to "add to the store of knowledge relevant to the solution of trying questions." It is much closer to the truth to say that what the Court is doing is shifting its perspective from America to the world at large, so that positions with less support in the United States can still be viewed—in a global context—as majority or dominant positions. Rather than looking to thoughtful analysis of "trying questions," the Court, in effect, takes a poll—on an international basis.

In all three recent cases where foreign opinion was cited, the Court faced the difficulty of explaining why it was abandoning contrary constitutional rulings from as recently as the 1980s. The Court tried to say that opinion had since changed, as some states had changed their laws on such questions as whether tests of mental deficiency would be relevant to imposition of the death penalty. Not enough states had actually changed their laws, so the Court, in effect, enlarged the count to include foreign jurisdictions. Red states and blue states might be evenly balanced at home but 25 nation-states of the European Union could tip the balance, if counted.

In one of its capital punishment cases, as Justice Ginsburg noted, the Court had received amicus briefs from Nobel Prize winners such as Jimmy Carter. What has this to do with legal analysis? It is simply a way of appealing from the views of American voters to those of electors for the Nobel Prize—the sort of people who regard President Bush as a reckless cowboy and Jimmy Carter as a distinguished statesman.

To see the partisan character of appeals to foreign authorities in this setting, one need only think of a close analogy. If foreign law, why not religious law? Why not the canon law of the Catholic Church? As it happens, the U.S. Supreme Court has cited "canon law" in more than two dozen cases over the past 200 years. Most of the references are entirely incidental, but a few cases in the early 20th century actually engaged with Church sources, among others, in wrestling with the meaning of "due process." More recent cases have insisted that secular courts cannot enter into disputed questions of church law when asked to determine claims about ownership of church property or tenure in religious office.

Suppose that Catholic or conservative justices began to regularly cite canon law on the most controversial constitutional disputes—on such matters as family law or medical ethics. These justices could insist, as Justice Ginsburg does, that such "foreign opinions are not authoritative" and "set no binding precedent for the U.S. judge" but simply "add to the store of knowledge." In today's world, the protests from liberals would be deafening, because such soothing abstractions would be seen as disingenuous. To treat canon law as any sort of "persuasive authority" would be intensely divisive. The "foreign opinion" that liberals prefer has no more inherent relevance or authority, however. We could save a lot of needless dispute by agreeing in advance that all sides will play by American rules.

Which brings us to the strategic objection. In practice, the appeal to foreign law in most cases will be an appeal to European standards, even if the latter are dressed up as world standards. Europeans have pioneered the practice of transnational judicial gatherings, so that judges may lobby each other or encourage each other on supposed "common" problems. That is how the European Court of Justice helped win the acquiescence of national courts to the otherwise quite startling doctrine that European treaties should have legal priority over national parliamentary enactments and even over national constitutions.

When it comes to capital punishment, not even judges had to act in Europe. The Council of Europe, a diplomatic rather than judicial body, successfully pressured all European governments to abolish capital punishment, even though public opinion in a number of European countries remains sympathetic to the death penalty. To look at European law is not to look at the outcome of a rolling survey but the acclamation from a carefully drilled caucus. It is not a "trend" but a rigged vote.

And it doesn't vary randomly. One of the fundamental differences between Europe and America is that the United States has broad military commitments around the world, while Europeans have sought security—or international leverage—through treaty commitments. So all European nations have subscribed to the International Criminal Court along with a 1976 Additional Protocol to the Geneva Conventions, setting out new standards for military conduct in war, which the ICC is now empowered to enforce. Even the Clinton administration acknowledged that the United States could not submit to such constraints. Since

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the Bush administration resorted to war in Iraq—over the objections of prominent European officials—European governments have orchestrated a much more intense campaign of protest against American "lawlessness." Europeans have protested alleged prisoner abuses at Guantánamo with a degree of indignation they could never muster over mass death in Darfur or Chechnya.

It doesn't take much imagination, in this context, to see where appeals to international legal precedent will lead. But Justice Ginsburg was not content to leave matters to the imagination in South Africa—where she spoke, as it happens, at a gathering hosted by the South African Supreme Court. She repeatedly cited criticism of U.S. detention policies and U.S. interrogation policies offered by foreign courts and judges. These are issues sure to come before the U.S. Supreme Court itself. Justice Ginsburg's speech more or less indicated in advance how she feels about Bush administration policy. At the least, she is extremely skeptical. Justices aren't supposed to prejudge cases, let alone signal to the world that they have prejudged. She seems to have felt fortified in questioning U.S. policy because foreign judges have done so.

Or perhaps Justice Ginsburg simply meant to acknowledge concerns of foreign judges over American security policy. At the margin, the disapproval of foreign officials and foreign judges may well pose problems for American policy. We should certainly take such concerns into account. But even with full knowledge of such costs, it might still be reasonable to stick with a particularly controversial but quite effective security policy. Who should decide? The premise of Justice Ginsburg's speech is that it is up to U.S. judges to reassure international opinion. When we come to vital questions of national security, judges may not be the best judges of what is necessary. And former ACLU lawyers like Ruth Bader Ginsburg may be the least qualified to judge such matters.

Which brings us to the metaphysical point. What is right? The awkward fact is that people disagree—even quite serious and reflective people often disagree. But there are limits to rights and lines that must be drawn. If you think all countries must agree on where to draw such lines, how ready will you be to accept abiding disagreements within your own country?

According to Justice Ginsburg, if you think it is "improper to look beyond the borders of the United States in grappling with hard questions," you have put yourself "in line with the view of the U.S. Constitution as a document essentially frozen in time as of the date of its ratification." Few of us want to be "frozen." But the alternative offered by Justice Ginsburg is startling: "U.S. jurists honor the Framers' intent 'to create a more perfect Union,' I believe, if they read the Constitution as belonging to a global 21st century. . . ." So, what began as a Constitution "ordained" by "We the People of the United States" has somehow been transformed into a "global" charter of "union"—presumably with the world at large. What if we want to be different? What if we don't share the Dutch enthusiasm for euthanasia? What if we don't share the French proclivity to do business with terrorists or to abandon national territory to arsonist gangs? Don't we have a right to hold ourselves to our own standards?

There is no great honor in being different if one is wrong. Whoever stands his ground against criticism must hope that he is right—which may imply hope in some transcendent standard of rightness, which even opponents might ultimately acknowledge. Part of the seduction of transnational constitutionalism is that it seems to assure development in a progressive direction. If you believe in progress, you believe that better opinions will come to prevail. Perhaps not everywhere but in more and more places, so what is widely held must be a guide to progress. Or is it?

Of course, no one says we should be comfortable with brutal punishments or brutal police methods because China sanctions them or so many countries in Africa do. What counts are the advanced countries. But is Europe really so advanced—a place where most law is now made by unelected bureaucrats operating in a language most citizens don't speak? A place where there is growing tension and violence between rival religious communities? Is that the bright future? Can't we chart a different course if most Americans want to be different from Europe?

The majority is not always right, just because it now happens to be in the majority. What happens to be the more prevalent view today is not right, just because it happens to be more prevalent at this moment. While Europeans pursue diplomatic efforts to win international endorsements for their own views, Americans have been more inclined to test their current inclinations by the views of previous generations of Americans. That is the way a national constitution works, giving the past a constraining voice in the present. But, of course, there is no constitution for Europe, let alone for the world at large.

So we can draw guidance, at least to some extent, from a past that is respectable. It may not be sufficient to ask what Hamilton or Madison or Washington or Lincoln or Chief Justice Marshall would counsel on any issue, but it is an entirely accessible starting point, a reassuring gauge when grappling with the latest fads.

For most Europeans, the past is a very dangerous place. There can be no going back, there *must not* be a turning back, so the way forward must be accepted as actually a way *forward*—otherwise, they might start looking back, and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

where would that lead? Perhaps to things more ominous than the restoration of capital punishment. Whatever one may think of European moralizing, it is not based on reasoned analysis of "hard questions." Europeans are afraid of open debate.

We in America, who have a better history, still have to face serious threats. We may overreact. We may make mistakes. But we have proven ourselves reasonably good at protecting individual rights while still defending the community that guarantees those rights. We do not rely on the United Nations for our security. To measure our constitutional standards by foreign opinion is to fall back on the false notion that the world at large is evolving toward better answers than we have or could find for ourselves. It is, in effect, to be defensive about being different. If we start thinking that way, we won't be Americans.

We should tell Justice Ginsburg that if American policies cause her discomfort at gatherings of foreign judges, there is an easy remedy: Stay home. Dealing with furious foreigners is John Bolton's job. ♦

Illiberal Europe

The long and growing list of things you can't legally say

By Gerard Alexander

On February 20, an Austrian court sentenced the notorious British writer David Irving to three years in prison for denying in a 1989 speech that Auschwitz contained gas chambers. Many American observers had mixed reactions. They saw Irving as a loathsome anti-Semite but were uncomfortable with the thought of a person serving time behind bars for something he wrote or said, no matter how noxious. Journalist Michael Barone probably spoke for more than a few when he said that he "shuddered" at the news of Irving's imprisonment, "yet I can understand why Austria, like Germany, has laws that criminalize Holocaust denial and glorification of Nazism. History has its claims—heavy ones, in the cases of Germany and Austria." In other words, criminalizing speech might not be the American way of doing business, but it's understandably Austria and Germany's way of dealing with their unique Nazi past.

The trouble is that Austria's anti-Nazi legislation is the tip of an iceberg of political speech laws across Europe. Of course, all governments restrict some speech. But free expression is so foundational to democracy that there is usually a strong bias against restricting speech unless it poses a compelling and even imminent danger to others. The most pervasive and durable restrictions meet that test, applying to things like child pornography, false statements that result in demonstrable harm (defamation), the exposure of national security information, commercial fraud, and the proverbial shouting of "Fire!" in a crowded theater.

In addition, European countries have never had America's strong free-speech tradition. Nevertheless, three disturbing trends now underway in Europe together represent the greatest erosion of democratic practice in the world's advanced democracies since 1945. First, anti-Nazi laws are being adopted in places where neo-Nazism poses no serious threat. Second, speech laws have been dramatically expanded to sanction speech that "incites hatred" against groups based on their religion, race, ethnicity, or several other characteristics. Third, these incitement laws are being interpreted so loosely that they chill not just extremist views but mainstream ones too. The result is a serious distortion and impoverishment of political debate.

After 1945, Germany in particular passed strict anti-Nazi laws, making it illegal not only to form a neo-Nazi party but also to champion Nazi ideology, downplay Nazi crimes, print *Mein Kampf*, or even air the Nazi musical anthem, the "Horst Wessel" song. At the time, many believed that these restrictions met the test of

Gerard Alexander is associate professor of political science at the University of Virginia and a visiting scholar at the American Enterprise Institute.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

averting immediate danger. Given what had happened between 1933 and 1945, it seemed airing pro-Nazi or anti-Semitic views was the equivalent of shouting "Fire!" in the crowded theater of Austria and Germany's troubled cultures. As it turned out, neo-Nazis proved too marginal even to come close to posing a serious danger to Germany or Austria's new democracies, with real neo-Nazis never winning even 5 percent of the vote. So the necessity for these restrictions became less and less clear with time.

But instead of being pared back, anti-Nazi legislation spread. Laws criminalizing Holocaust denial or minimization were adopted well into the 1990s in France, Switzerland, Belgium, Spain, and other European countries (and several countries outside Europe). What these laws could accomplish was unclear, since they were adopted when neo-Nazism's prospects seemed more remote than ever. In all these countries, including Germany and Austria, governments don't really have to ban neo-Nazis; voters do it for them through indifference. Nonetheless, anti-Nazi laws have proved uncontroversial, maybe because their sanctions fall on unsavory figures from Europe's anti-Semitic fever swamps.

This is unfortunate, because anti-Nazi laws gradually expanded to cover other historical events. In 1993, Bernard Lewis, the eminent Princeton historian of the Middle East, was asked in an interview with *Le Monde* about the mass murder of Armenians in Turkey during World War I. He readily acknowledged that terrible massacres took place but questioned whether the murders were the result of a predetermined—that is, genocidal—plan. That conclusion brushed up against French laws that now prohibit denial of more crimes against humanity than just the Holocaust. Several activist groups in France filed complaints. Two civil and one criminal suit were dismissed, but Lewis was found guilty in another civil suit and condemned by the court for having not been "objective" regarding events that the European Parliament and other bodies had officially certified as a "genocide."

The expansion of the speech laws beyond the Holocaust is revealing. Especially once it became evident that neo-Nazis were politically marginal, it was unclear exactly what risk Holocaust deniers posed. An alternative interpretation is that bans on denial were never really about averting the menace of Nazi revivalism. They were motivated instead by the fact that good people were offended by Holocaust denial. That this is really what's at work is confirmed by laws prohibiting denial of events like the Armenian murders—cases that pose no risk of old genocidal agendas' being revived.

So genocide-denial laws can now be used to sanction professional historians whose research leads them to findings that these laws classify as unacceptable. And the anti-Nazi slope has proven more slippery than that. Denial laws have been supplemented by new laws that are even more prone to sanctioning reasonable people.

Especially since the 1970s, Western Europeans have been passing bans on speech that "incites hatred" based on race, religion, ethnicity, national origin, and other criteria. These were adopted or beefed up in the 1980s in the face of rising violence against minorities and rising far-right parties like the French National Front. Such laws are now in place in Germany, Austria, Belgium, Sweden, Norway, France, Britain, and elsewhere. France's 1972 Holocaust denial law was expanded by the 1990 Gayssot law, which extended sanctions to denial of other crimes against humanity and points of view deemed racist. France's Conseil Supérieur de l'Audiovisuel monitors broadcasters for any statements that might incite racial hatred. Earlier British legislation against incitement of racial hatred was expanded in 1986 and was extended again in February 2006, this time to criminalize intentionally "stirring up hatred against persons on religious grounds." This is spreading to the European Union level, where a stream of rules now prohibits the broadcast, including online, of any program or ad that incites "hatred based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation" or—crucially—is "offensive to religious or political beliefs."

The highest-profile prosecutions under these laws have been of people and organizations very vulnerable to the charge of racism. Incitement charges have repeatedly been brought against the French National Front's Jean-Marie Le Pen, who regularly trades in slurs against blacks and Arabs. Similar charges were leveled against the Vlaams Blok, a Flemish nationalist party advocating the breakup of the bilingual Belgian state, which sometimes luridly stereotyped immigrants from the developing world as predisposed to criminality and welfare dependency. In November 2004, Belgium's highest court found the party guilty of racism, allowing the government to deny it state funding and access to television, in effect forcing the Blok to dissolve and re-form under a new name. At the time, the Blok was jockeying for first place in polls among Belgium's Flemish voters.

But the anti-incitement laws now regularly target people who are well within the political mainstream. This is political correctness backed up with prison time. Britain's then-home secretary Jack Straw remarked in 1999 on criminal activity by people many of whom *posed* as gypsies or "travelers"—hardly a slur on all gypsies even without that qualifier. But a Travelers' group filed a complaint of inciting racial hatred, prompting a formal

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

AP / Sayyid Azim

Protesting the Danish cartoons, Nairobi, Kenya, February 10, 2006

investigation and extensive media coverage asking whether Straw was racist. In 2002, the prominent French novelist Michel Houellebecq was charged with inciting racial hatred in a novel and interview in which he referred to Islam as "the stupidest religion." Veteran Italian journalist Oriana Fallaci was motivated by 9/11 to criticize Islam as violent and subversive of traditional European mores. As a result she faced a French attempt in 2002 to ban her book as racist, and she is scheduled to stand trial in Italy in June for statements "offensive to Islam." One of her accusers, in turn, faces charges for calling the Catholic Church a "criminal organization."

In May 2005, *Le Monde*, France's premier center-left newspaper, was found guilty of defaming Jews in a 2002 editorial that criticized Israeli policies while referring to Israel as "a nation of refugees." The appeals court found such juxtapositions made Israelis synonymous with Jews, so criticism of the former constituted incitement of hatred against the latter. After it published a series of controversial cartoons of Muhammad, the Danish newspaper *Jyllands-Posten* was formally investigated to determine whether the cartoons constituted prohibited racist or blasphemous speech.

This swirl of speech-law charges, lawsuits, and investigations is now sustained by an "antiracism" industry. Dozens of antiracism groups and self-appointed representatives of religious and other communities, like France's Movement Against Racism and for Friendship Between Peoples (MRAP) and the Muslim Union of Italy, readily file complaints and suits and sometimes are the direct beneficiaries when fines are imposed. Their complaints provoke investigations by an alphabet soup of government agencies, like Belgium's Center for Equal Opportunities and Opposition to Racism and Britain's Commission for Racial Equality. These in turn feed into the court system. If America had practices like these, the debate over, say, the Dubai ports deal would almost certainly have sparked a shower of civil suits and criminal investigations against elected officials and columnists charged with "anti-Arab . . . anti-Muslim" bigotry (to quote the Council on American-Islamic Relations).

Not all cases, of course, result in punishment. Le Pen has been fined hundreds of thousands of dollars, neo-Nazi groups banned, Holocaust deniers and anti-Semites jailed in several countries, and the Vlaams Blok de facto dissolved. *Le Monde* was found guilty, but sanctioned with only a symbolic fine; Bernard Lewis with somewhat larger costs. The investigation of Straw was dropped; Houellebecq was acquitted; and the Danish prosecutors decided not to press charges against the *Jyllands-Posten*. But an increasing number of European intellectuals, politicians, journalists, and even scholars have had uncomfortable and expensive brushes with speech laws. In many cases, their reputation is tarnished; afterward their Wikipedia entry, so to speak, is never complete without mention of the official investigation for bigotry.

So the real danger posed by Europe's speech laws is not so much guilty verdicts as an insidious chilling of political debate, as people censor themselves in order to avoid legal charges and the stigma and expense they bring. And the most serious chill is not of fringe racists but of mainstream moderates and conservatives.

First of all, it turns out that some denials and incitements are more equal than others in Europe. For all the trials on charges of Holocaust denial, it is not clear that anyone has been charged with denial or minimization of crimes committed by Communist regimes. And the laws banning incitement of hatred on grounds of race, religion, ethnicity, or national origin do not ban incitement based on political orientation or economic status. Moreover, these laws protect speech that incites hatred against Americans and some others. And while there have been some convictions of Islamist radicals for inciting hatred against Jews and others, Europeans have been shy to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

move against the incitement pervasive in Islamist circles.

In other words, Europe's speech laws are written and applied in ways that leave activists on the political left free to whitewash crimes of leftist regimes, incite hatred against their domestic bogeymen of the well-to-do, and luridly stereotype their international bogeymen, often with history-distorting falsehoods such as fictitious claims of genocide said to be committed by the United States and Israel. It may be no coincidence that Socialist and extreme-left parties have played central roles in the design of speech laws. The crafter of France's 1990 Gayssot law, for example, was Jean-Claude Gayssot, a longtime Communist party officeholder. All this matters. It sends an important signal to the broader culture when Hitler is the symbol of evil while Stalin and Mao are given a pass, and when, in effect, Pat Buchanan's ideas risk indictment while Michael Moore's are protected.

AP / Matt Dunham

Trafalgar Square, London, March 25, 2006

But the more serious bias comes out when anti-incitement laws are allowed to degenerate into the sanctioning of speech that causes "offense." It's not clear why avoiding offense should be a top priority to begin with. But when it is, the most important consequence is likely to be the chilling not of racist speech but of moderate and conservative thinking about major social problems. After all, two views tend to cause offense in our day and age. The first is the speech of bigots who denigrate members of other groups, calling them, say, inherently delinquent. The second is speech by modern moderates and conservatives who believe that problems like poverty, delinquency, and poor health can often—not always, but often—be traced to bad choices and mores and dysfunctional subcultures. Sometimes, problems are disproportionately concentrated within groups—of whatever class, race, ethnicity, or religion. Identifying these causes assumes they can be corrected; so identifying them is a prerequisite to improvement. This is the furthest thing from racism. It is the non-bigotry of high expectations.

But in our hypersensitive age, this sort of speech is prone to being construed as prejudice—much more prone than the left's traditional language, which attributes people's problems to discrimination and other forces beyond their control. Moderate and conservative speech is even more likely to be tagged as bigoted when that tag is wielded cynically by political opponents. In the politically tilted world of Europe's media, intellectuals, and NGOs, this happens all the time. We know this is often cynical, because European speech-law advocates like Jean-Claude Gayssot are perfectly capable of criticizing Israel while insisting this doesn't mean they're anti-Semitic.

Laws against any speech that causes "offense" are biased because they have the insidious effect of conflating bigoted speech and constructive criticism, two kinds of speech that should be sharply distinguished from each other. The result is the stigmatization of certain kinds of thinking about social problems and public policy that American conservatives, moderates, and even many liberals recognize as a legitimate part of serious debate. These speech laws won't ultimately silence extremists, whose careers won't end if they're called bigots and who often seek out controversy. But they can silence reasonable people who don't want that label and don't want a scandal.

Between Europe's speech laws, hypersensitivity, and cynical demagoguery, constructive criticism can become virtually impossible, and self-censorship the norm. The effects are plain to see. European politicians, media outlets, and university discussions are routinely uncomfortable airing information—say, about rates of crime—that reflects unfavorably on the members of groups such as citizens of African or Middle Eastern descent, for fear that it will fuel negative stereotypes of these groups and open the broadcaster to charges of inciting hatred. Last fall, many French politi-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cians and commentators carefully avoided characterizing the identities of the "youths" rioting in dozens of French cities and towns, and did not aggressively pursue that issue when peace was restored. This leaves it unclear even now who did what and why in the rioting—knowledge that is a prerequisite for a serious policy response to what happened.

Consider the case of Alain Finkielkraut, a distinguished French philosopher. Last November, Israel's *Haaretz* newspaper interviewed him about the French riots. In blunt language, he said that poverty and discrimination could not explain the rioters' behavior since most poor communities in France did not torch cars. He believed public debate should acknowledge head-on that the rioters were heavily of Arab and African descent and bore aggressively anti-Western attitudes. He specifically insisted that neither all "blacks and Arabs" nor Islam as a religion were implicated in that statement. And he proposed that it was imperative to signal the rioters that calls for opportunity within a society had to be matched with a sense of responsibility to that society.

Given that most French commentators flinched from serious engagement with the rioters' thuggish assault on France's public spaces, Finkielkraut's was a point of view that badly needed to be expressed. But after *Le Monde* offered the public a biased sample of his words, MRAP moved immediately to file legal charges against him, withdrawing the threat only when Finkielkraut appeared to apologize. While Finkielkraut has not renounced his original words, he and others like him have since been less outspoken. Public debate on an urgent matter was deprived of a viewpoint that identified where the real hatred resided, sought ways to retrieve segments of French youth from its grip, and exhorted France to expect more of its own people.

The same deprivation can be seen in the initial handling of the recent kidnapping, 24-day torture, and then murder of Ilan Halimi, a young French Jew. For days after Halimi's body was found, authorities tried to avoid discussing the possibility that the kidnappers were Muslim and that anti-Semitism partly motivated them, despite powerful signs pointing in that direction. Officials wanted to combat anti-Semitism but not to paint Muslims in France as unattractively anti-Semitic. Many German authorities are similarly unsure what to do when young Germans of Turkish descent loudly cheer *Valley of the Wolves*, the new anti-American and anti-Semitic Turkish hit film. Criticism might offend Turks, but silence risks offending Jews. The compromise is prevarication. The side effect is disrespect for morally flabby authority figures. And the result is impoverishment of public debate.

The good news is that Europeans are questioning their illiberal speech laws as never before. For several years, scholars and intellectuals in France especially have been circulating petitions and counter-petitions regarding the wisdom particularly of the laws creating official accounts of history. Such skepticism has received a huge boost from the events surrounding the Danish cartoons. After their publication, a concerted campaign to drum up outrage in the Muslim world triggered demonstrations and riots in numerous places. With that violence as a backdrop, many Muslims inside and outside Europe have been insisting that European governments ban the cartoons. As models for this, they cite not only censorship rules in Middle Eastern countries but also Europe's own speech laws. Many are bewildered that speech offensive to Jews is banned but not speech offensive to Muslims.

In response, many Europeans have found it difficult to justify these inconsistencies. Several European governments take the expected and untenable middle road: They refuse to ban the cartoons but plead with their media not to publish them either. Other Europeans, though, seem to be using their discomfort over the idea of banning the cartoons to ask whether they shouldn't get out of the business of banning political speech altogether.

If they try, they won't have the backing of international law. The International Covenant on Civil and Political Rights—the code the U.N. Human Rights Committee is charged with enforcing—*insists* on the banning of "advocacy of national, racial or religious hatred." They also won't command the support of the world's best-known human rights organization. Amnesty International accepts speech laws as legitimate, so it generally excludes from its list of "prisoners of conscience"—that is, people "imprisoned solely for the peaceful expression of their beliefs"—anyone imprisoned for "advocacy of hatred."

But reform-minded Europeans would have the example of U.S. practice, which tolerates even loathsome speech. They would also have the example of a rival human rights organization. Taking a principled stand in the face of a great deal of international practice, Human Rights Watch insists that governments should ban speech only when it "constitutes imminent incitement" to violence and other unlawful acts and urges reform of these laws, including repeal of Holocaust denial laws. Europeans of all political stripes should want to seize this opportunity to reverse the most dangerously illiberal trend in the world's advanced democracies. That would cease to make Europe a role model for censorship and restore it as a model of core democratic rights instead, expanding and not contracting its moral authority in the world. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Lev Nisnevitch

Titanic Monument, Washington, D.C.

Being a Man

Harvey Mansfield ponders the male of the species BY CHRISTINA HOFF SOMMERS

One of the least visited memorials in Washington is a waterfront statue commemorating the men who died on the *Titanic*. Seventy-four percent of the women passengers survived the April 15, 1912, calamity, while 80 percent of the men perished. Why? Because the men followed the principle "women and children first."

The monument, an 18-foot granite male figure with arms outstretched to the side, was erected by "the women of America" in 1931 to show their gratitude. The inscription reads: "To the brave men who perished in the wreck of the Titanic. . . . They gave their lives that women and children might be saved."

Today, almost no one remembers those men. Women no longer bring flowers to the statue on April 15 to honor their chivalry. The idea of male gallantry makes many women nervous, suggesting (as it does) that women require special protection. It implies the sexes are objectively different. It tells us that some things are best left to men. Gallantry is a virtue that dare not speak its name.

Manliness
by Harvey C. Mansfield
Yale, 304 pp., $27.50

In *Manliness*, Harvey C. Mansfield seeks to persuade skeptical readers, especially educated women, to reconsider the merits of male protectiveness and assertiveness. It is in no way a defense of male privilege, but many will be offended by its old-fashioned claim that the virtues of men and women are different and complementary. Women would be foolish not to pay close attention to Mansfield's subtle and fascinating argument.

Mansfield offers what he calls a modest defense of manliness. It is modest, not because its claims are cautious—Mansfield courts wrath and indignation on almost every page—but because, as he says, "Most good things, like French wine, are mostly good and accidentally bad. Manliness, however, seems to be about fifty-fifty good and bad. . . . This is what I mean by a modest defense."

"Manliness," he says, "is a quality that causes individuals to stand for something." The Greeks used the term *thumos* to denote the bristling,

Christina Hoff Sommers, a resident scholar at the American Enterprise Institute, is the author of The War Against Boys *and coauthor of* One Nation Under Therapy.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

spirited element shared by human beings and animals that makes them fight back when threatened. It causes dogs to defend their turf; it makes human beings stand up for their kin, their religion, their country, their principles. "Just as a dog defends its master," writes Mansfield, "so the doggish part of the human soul defends human ends higher than itself."

Every human being possesses *thumos*. But those who are manly possess it in abundance, and sometimes in excess. The manly man is not satisfied to let things be as they are, and he makes sure everyone knows it. He invests his perception of injustice with cosmic importance.

Manliness can be noble and heroic, like the men on the *Titanic*; but it can also be foolish, stubborn, and violent. Achilles, Brutus, and Sir Lancelot exemplify the glory of manliness, but also its darker sides. Theodore Roosevelt was manly; so was Harry "The Buck Stops Here" Truman. Manly men are confident in risky situations. Manliness can be pathological, as in gangsters and terrorists.

Manliness, says Mansfield, thrives on drama, conflict, risk, and exploits: "War is hell but men like it." Manliness is often aggressive, but when the aggression is tied to the concept of honor, it transcends mere animal spiritedness. Allied with reason, as in Socrates, manliness finds its highest expression.

Women can be manly—Margaret Thatcher is an example—but manliness is the "quality mostly of one sex." This creates problems for a society such as ours that likes to think of itself as "gender neutral," egalitarian, and sensitive. Manliness is not sensitive. Today, we mainly cope with it by politely changing the subject. The very word is deemed quaint and outmoded. Gender experts in our universities teach as fact that the sex difference is an illusion—a discredited construct, like the earth being flat or the sun revolving around the earth.

And yet, the complex range of behavior that "manliness" characterizes persists. It is still mostly men who embody it. We have succeeded in bringing the language to account, but we have not managed to exorcise masculine *thumos*.

After almost 40 years of feminist agitation and gender-neutral pronouns, it is still men who are far more likely than women to run for political office, start companies, file for patents, and blow things up. Men continue to tell most of the jokes and write the vast majority of editorials and letters to editors. And—fatal to the dreams of feminists who long for social androgyny—men have hardly budged from their unwillingness to do an equal share of housework or childcare. Moreover, women seem to like manly men: "Manliness is still around, and we still find it attractive," says Mansfield.

Mansfield's amusing, refreshing, and outrageous observations must already be causing distress for his Harvard colleagues. But many readers will be grateful to him for his candor and bravado. Today, when scholars acknowledge sex differences, they do it timorously. They follow every assertion of difference with a list of exceptions, qualifications, and caveats. Into this world strides Professor Mansfield, loaded for bear, and lethally armed with all the powerful stereotypes thought to be banished from *bien pensant* society. And he deploys them without apology in shocker after shocker:

> [Women] shun risk more than men and they perceive risk more readily; they fear spiders. . . .
>
> Women seem to desire more than men to make a nest and to take responsibility for making it. To do this, they sometimes need the help of their men, and they nag them responsibly and more or less charmingly according to their skill. . . .
>
> In my experience, it is difficult for a man who is attracted to a woman not to find her cute, rather than intimidating, when she gets angry.

Mansfield reminds us that philosophers and poets were worried about manliness long before contemporary feminists began to anguish over it. He presents a magisterial survey of the role played by manliness in the thought of the great philosophers.

From the Greeks to Thomas Hobbes and Friedrich Nietzsche, philosophers have extolled or deplored manliness—but mostly they looked for ways to control it. No one, says Mansfield, understood the vices and virtues of manliness better than Aristotle and Plato. They gave it its due while "remaining wary of its dangers."

Unfortunately, few modern philosophers have followed their example. The ancients well understood that too much—or too little—manliness is a bad thing. Too much is dangerous, but too little is fatal to a society's prospects for greatness—or even for its survival. Modern philosophers err on the side of wariness and suspicion and, according to Mansfield, "the entire project of modernity can be understood as a project to keep manliness unemployed."

The entire project of modernity? This says, in effect, that modern philosophy has been engaged in making wimps out of men. As Mansfield sees it, since the dawn of the modern era, philosophers have conspired against manly *thumos*. Hobbes, for example, ignored the higher forms of heroic and philosophical manliness: He reduced it to a simple aggressive drive that leads to a "war of all against all." It had to be broken—not accommodated—by handing over power and rights to an absolute sovereign.

Hobbes placed self-preservation at the center of his theory. But, says Mansfield, manly men do not merely want to survive: They seek glory for themselves and their causes. For Mansfield, Hobbes is the extreme—but still typical—example of modern philosophers' disdain for manliness: "Liberalism is unmanly in setting down self-preservation as the end of man, as do Hobbes and John Locke."

Mansfield himself does not mind being a loner. For years, he has fought a forlorn battle at Harvard in defense of high standards. He was the only member of the faculty to vote against establishing a women's studies major. All the same, one would have expected

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

him to find a few defenders of manliness somewhere in the annals of modern philosophy. But he does not cite any. With the possible exceptions of Baruch Spinoza and Edmund Burke, he complains that philosophers of modernity just don't get it when it comes to understanding and valuing male spiritedness: "Modern thinking does not want to cooperate with manliness, and does not care for *thumos*."

In place of the heroic, but rationally controlled, conception of manliness offered us by the ancients, modern thinkers give us a pallid, cautious, risk-averse bourgeois manliness—a world of Babbitts, rather than Achilles.

But this perspective is badly skewed. Surely Mansfield would not deny that the "bourgeois" male denizens of modernity have been responsible for some of the most prodigious displays of genius in art, literature, and music. They invented science, the free market, and liberal government, and they refined the art of war, magnifying its lethality a thousandfold. It would appear that Mansfield systematically underestimates the manliness of modern man, and of philosophers like Hobbes, Locke, Francis Bacon, and René Descartes who helped create him.

His discussion of Nietzsche's powerful influence on contemporary feminism shows Mansfield at his philosophical best and manly worst. Here, more than elsewhere, Mansfield dazzles us with the aptness of his insights, while being recklessly inattentive to nuance, exceptions, and complexity. He has no doubts about Nietzsche's manliness. He sets up a dramatic contrast between the manly ideal favored by Plato and Aristotle and the unrestrained masculinity promoted by Nietzsche.

Both Plato and Aristotle developed a conception of ethical manliness based on courage, tying manliness to protectiveness and reason. Manly men (and women) are the guardians of Plato's Republic; they are the noble gentlemen in Aristotle's *polis*. Both maintained that philosophers, not warriors, are the manliest of all.

By contrast, Nietzsche, a classicist by training, idealized the pre-Socratic Homeric age. He preferred the warrior to the philosopher, exalting Achilles over Socrates. He criticized Plato and Aristotle for putting reason above passion. For Nietzsche, says Mansfield, "Humanity is not to be found in reason but rather in the spark of life—the assertion of each man's life by that man." Nietzsche has burdened modernity with an exceptionally dangerous philosophy that Mansfield calls "manly nihilism." Where Plato and Aristotle place severe constraints on manly expression, Nietzsche gives us a manliness unrestrained by anything outside itself. Says Mansfield: "Manly assertiveness feeds on itself alone, and does not serve to protect and defend a cause greater than itself."

Corbis / John Springer Collection

Gary Cooper in 'High Noon'

So where did contemporary feminists turn for philosophical inspiration? They had their pick of any number of the polite, sensible, and sensitive thinkers of modernity. John Stuart Mill would have been perfectly suitable. But no, says Mansfield, they turned down this nice guy—"a wimp when you come down to it"—and "went mad for crazy manly Nietzsche."

Nietzsche is hardly the philosopher one would expect to emerge as the muse for modern feminism. Not only did he valorize unrestrained male assertion, his contempt for women was famously explicit:

> The true man wants two things, danger and play. For that reason he wants woman, as the most dangerous plaything.
>
> When a woman has scholarly inclinations there is usually something wrong with her sexually.

In another context, he said women were for the "recreation of the warrior." His advice to men on the subject of women: "Forget not thy whip." Why, then, did Nietzsche's point of view appeal so strongly to intellectual feminists?

"In the 1970s," says Mansfield, "nihilism came to American women. . . . What interested [feminists] in Nietzsche was the nihilism he proclaimed as fact—God is Dead—and the possibility of creating a new order in its place." Of course, most American women were not reading Nietzsche. But many did read Simone de Beauvoir, and she was the herald of the new nihilism. In Mansfield's words, she was "Nietzsche in drag." Far from being critical of Nietzsche's hypermasculine fantasies, his "will to power," and his rejection of the Judeo-Christian ethic—she embraced it all and urged women to emulate it.

Beauvoir famously said, "One is not born, but becomes a woman." She

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Harvey Mansfield

Harvard News Office / John Chase

rejected the idea that there is anything like human nature or any other source of an authoritative moral order. When she said that women must seek "transcendence," she meant that they should reject all the inducements of nature, society, and conventional morality. Beauvoir condemned marriage and family as a "tragedy" for women; both are traps that are incompatible with female subjectivity and freedom. She described the pregnant woman as "a stockpile of colloids, an incubator for an egg." She compared childbearing and nurturing to slavery.

Mansfield reminds readers how far Beauvoir's "womanly nihilism" strayed from the classical feminism of Mary Wollstonecraft and American suffragists. The early feminists questioned the rigidity of sex roles, but they never doubted that there was such a thing as human nature, and that women had distinctive roles to play in the family and society. Simone de Beauvoir wanted women to be free of all roles. Toward what end? She did not specify. Beauvoir's womanly nihilism inspired apostles like Germaine Greer, Shulamith Firestone, Kate Millett, and (to a lesser extent) Betty Friedan. In the decades following the sixties, it became official feminist doctrine.

Of course, as Mansfield observes, women are not men, and so inevitably they are less effective at being true Nietzscheans. Unlike radicals in other social movements, the feminist revolutionaries of the 1970s and '80s never engaged in violence. None went to jail. So how did they succeed in changing American society?

As Mansfield explains, they "relied on womanly devices." They formed "consciousness raising" groups and enrolled in "assertiveness training" workshops. Pronoun policewomen went to work cleansing the language of sexism. Tantalized by the Nietzschean idea that knowledge was a form of power, and not the result of disinterested inquiry, feminist scholars went on a rampage "reinventing" knowledge. In the academy, women took full advantage of manly men's gentlemanly reluctance publicly to oppose and thwart women.

Is Mansfield being fair to feminism? Is Nietzsche its main guiding spirit? Not really. His description of "feminist nihilism" rides roughshod over many distinctions within feminist theory and the women's movement. Alongside the reckless feminism of Beauvoir, Firestone, Greer, and company, there was a quieter, more reasonable, eminently sane version (inspired by those "wimps" Locke, Mill, and David Hume) working its way through American society and bringing needed reforms. Mansfield is aware of, and appreciates the achievements of, this moderate wing, but *Manliness* gives the impression that Second Wave feminism was one long Nietzschean production. It was more than that.

But one forgives Mansfield his imprecision and hyperbole because so much of what he says is profoundly true. Not all of contemporary feminism is a playing out of Nietzschean themes, but a great deal of it is. He is also right when he points out that many feminist leaders emulate some of the cruder and unappealing qualities of manliness.

An example (not given by Mansfield) is Eve Ensler's male-averse play *The Vagina Monologues*. This is loosely based on interviews with more than 200 women on the subject of their intimate anatomy. Its more serious preoccupation is exposing male insensitivity and violence. Pathological male *thumos* is everywhere: The play is a rogues' gallery of male oafs, losers, brutes, batterers, rapists, child molesters, and vile little boys. It is as if honorable manliness never existed.

Mansfield's analysis of women's nihilism gives us the lens to understand these developments as caricatures of the feminist will to "empowerment." It is a form of manly assertiveness unmoderated by Aristotelian ideals. Here we have an example of women imitating masculinity in its lower range. It is the dark side of the "gender neutral society" in which we now live.

The women who champion Eve Ensler's production are rightly concerned about the problem of male violence. But the known solution is to teach boys (and men) to be gentlemen. "A gentleman," says Mansfield, "is a man who is gentle out of policy, not weakness; he can be depended upon not to snarl or attack a woman when he has the advantage or feels threatened." And any gentlewoman or "lady" is naturally more suited for the task of civilizing a vulgar, barbarous male than a whole army of gender warriors.

What would Mansfield have us do? His book is primarily a conceptual analysis of manliness. It is not a self-help book. But it should surprise no one that this bossy, opinionated, and intrepid male thinker has a lot of advice to dispense. Women who like manly men will want to pay close attention. He says a lot of useful things your women's studies professors probably forgot to mention.

First of all, he thinks we should clearly distinguish between the public realm and private life. In public we should pursue, as best we can, a policy of gender neutrality. He firmly believes that the law should guarantee equal opportunity to men and women. However, "our expectations should be that men will grasp the opportunity more readily and more wholeheartedly than women."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Though he mentions it only in passing, it follows from his position that our schools should be more respectful and accepting of male spiritedness; they must stop trying to feminize boys. A healthy society should not war against human nature. It should, he says, "reemploy masculinity." That means it has to civilize it and give it things to do. No civilization can achieve greatness if it does not allow room for obstreperous males.

In the private sphere, his advice is *vivé la difference*! A woman should not expect a manly man to be as committed to domesticity as she is; nor should she assume that he is as emotionally adept as her female friends. Manly men are romantic rather than sensitive. They need a lot of help from females to ascend to the higher ethical levels of manhood, and Mansfield urges women to encourage them in ways respectful of their male pride.

Men, for their part, need to be gallant to women and respectful. Above all, they must listen to them. Mansfield offers this advice to young men:

> Women want to be taken seriously almost as much as they want to be loved. To take women seriously you must first take yourself seriously and after that ask them what they think. And when they tell you, try to listen.

He is not suggesting that women accept a subordinate role; on the contrary, he compares women to philosophers. They are, on the whole, less assertive, but that makes it easier for them to be observant, reflective, and calmly judgmental: "It should be expected that men will be manly and sometimes a bit bossy and that women will be impressed with them or skeptical."

The world of gender studies has never before had to confront anyone quite like this solitary rogue male professor of politics. Critics will rail against his excesses and feminists will be indignant and offended. But many women will be charmed by his effrontery, and grateful for the truth and wisdom in Mansfield's elegant treatise. ♦

Sense of Place

Thinking globally, while writing locally, in the South.

By Patrick J. Walsh

Cleanth Brooks once described Marion Montgomery as "one of the most acute and profound critics of present-day American culture." This volume contains 26 essays in testimony to the truth of that statement.

On Matters Southern is timely, coming as it does on the 75th anniversary of the publication of *I'll Take My Stand*. Like those Agrarian writers, Montgomery, a native of Georgia, advocates a regionalism rooted in time and place as opposed to the provincialism pandemic in modern man. Flannery O'Connor noted modernity's radical instability in both time and place, observing: "You know what's the matter with all that kind of folks? They ain't from anywhere." For modern man is a new nomad—one of speed, living everywhere and nowhere.

On Matters Southern
Essays About Literature and Culture, 1964-2000
by Marion Montgomery
Edited by Michael M. Jordan
McFarland, 214 pp., $35

Being rooted in a place is a hallmark of civilization that enables the development of the person and family. Appreciation of place is not something peculiar or restricted to the American South; it is more of a cultural delineation than a geographic one. Yeats prayed his daughter would be "rooted in one dear perpetual place." In this regard, Yeats is a kind of "Southerner." Says Montgomery:

> The "Southerner" of whom I speak, the person to whom some place separate from his own mind is of importance, discovers in his acknowledgment of a place other than his own mind that he thereby becomes a member of a community of creatures, a community larger than his private moment and wider than his mailing address, though his participation in that community will very likely show itself at the local level.

Let me offer an example. Only a male and a female joined together in marriage are naturally creative with the gift of procreating and fostering children. This makes all community possible. Chief Justice Margaret Marshall of the Massachusetts Supreme Court recently attacked this most basic component of civilization in proclaiming gay marriage. Ignoring natural law, and the experiences of history and civilization, Marshall said that the family is really an "evolving paradigm." She fits Montgomery's definition of a provincial without roots in time or place—unless it be the island of Laputa in *Gulliver's Travels*, where residents seek to extract sunshine from cucumbers and build houses top first without any foundations.

Montgomery, a writer and poet, essays that the breakup of family is the primary factor in the great disorder of Western civilization: "For we are in an age which is at once decaying as Athens decayed before the frustrated eyes of Euripides." Montgomery believes "we are giving birth to a new paganism such as the world has never before imagined." He is concerned about the order of civilization because it leads us toward the cause of all order. He knows from his vast study of history and literature that man is a creature living in time, yet possessing an eternal destiny. He knows man is on a journey, though as "we travel from local to local [we]

Patrick J. Walsh is a writer in Massachusetts.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

William Faulkner

Flannery O'Connor

Truman Capote

All photos: Bettman / Corbis

sometimes gain brief visions of the transcendent and the timeless—through the local."

In these essays, Montgomery explores the breakup of our civilization and also how it impinges upon the art of the writer. "When a particular writer succumbs to the provincialism which is everywhere rampant in our 'national spirit,'" he says, "he will cease to be regionalist and increasingly become a provincial writer with all the weaknesses that provincialism intrudes upon art." Flannery O'Connor called this provincialism "secular Manichaean." Eric Voegelin's more encompassing term was "secular Gnosticism." Both "superimpose distortions upon the reality of being that is the prime source of art's life."

As a Southern writer, Montgomery occupies an advantageous position because he still knows what a man or woman is. He knows human beings have an essential nature. The perspective allowed by place enables a clearer vision of the distortions and grotesques of reality so prevalent among us from those who are busy trying to recreate man's nature and the nature of created reality. Montgomery believes in "the *person*, an intellectual soul incarnate, who by the *gift* of being is required to address history and nature, and the accidents of time and place, as steward to the inherent goodness of creation itself."

The Southern writer approaches man and the nature of reality with "wonder, curiosity and piety." He revels in the small particulars of the world. A person immerses himself in reality as a mysterious gift, and resists the temptation to abstract oneself from it as if it were a mechanical problem to be solved. This is in opposition to the travesty of art synthetically manufactured in academia, and those who write for commercial success. And by those who see "literature as a sector of our intellectual estate to be seized by the pseudo-sciences of sociology and psychology and turned to political and social ends."

Montgomery states the problem clearly:

> In our day, the "pure love" required of the craftsman for the thing he makes has been increasingly set aside in favor of techniques of making, whereby in the end there is an imposition of intentional form upon the made thing in the interest of technique itself, as if technique assured "originality." It is a species of our religion of technology adapted to the production of art.

The Southern regionalism advocated by Marion Montgomery is a defense of Western civilization and its essentially Christian makeup. Provincialism is its opposite. Allen Tate thought of provincialism as "that state of mind in which regional men lose their origin in the past and its continuity into the present, and begin every day as if there had been no yesterday."

Montgomery contrasts the Southern, or regional, writer with the provincial one, concentrating on three native-born Southern writers: William Faulkner, Truman Capote, and Flannery O'Connor. (Of the three, Capote is the provincial, the kind of writer suited for Hollywood.) Montgomery contrasts Capote's output with the timeless work of O'Connor and Faulkner. Capote detached himself from his writing; O'Connor thought such detachment "reflects a sickness." Montgomery further examines all three writers' use of violence. Faulkner's and O'Connor's is a more human violence than that in a story by Capote where the violence lacks a "burden of responsibility." Capote's provincial world is a "dream world through which characters float in search of an awakening. The characters have a grotesqueness which defines them as separate from mankind, while Faulkner's and O'Connor's characters have their grotesqueness as a definition of their relationship."

Provincial writing is all too common today, and is truly cold-blooded, lacking any moral sense or sensibility, and uninspired by any transcendent reality. It is a literature that, in America today, finds an all-too-receptive audience, and, sadly, the South is rapidly becoming like the rest of the nation. Flannery O'Connor stated in stark language our ongoing crisis: "The moral sense has been bred out of certain sections of the population, like the wings have been bred off certain chickens to produce more white meat. This is a generation of wingless chickens, which is what I suppose Nietzsche meant when he said God is dead." ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

God in the Details

A writer's remembrance of a Christian curriculum.

BY CHARLOTTE ALLEN

In 1978, five-year-old Christine Rosen's father and stepmother enrolled her and her older sister, Cathy, in the Keswick Christian School in St. Petersburg, Florida, where the family made their home. This lively and affectionate book is Rosen's account of the years she spent at Keswick, an institution where memorizing the Bible and taking it literally was the core of every subject in the curriculum, Darwin's theory of evolution was anathema, and the other students arrived in automobiles adorned with fish symbols and bumper stickers reading, "In Case of Rapture, This Car May Be Unmanned."

My Fundamentalist Education
A Memoir of a Divine Girlhood
by Christine Rosen
PublicAffairs, 232 pp., $24

(Disclosure: I met Mrs. Rosen once, at a book party that she and her husband, writer Jeffrey Rosen, had given for another writer, and I found her to be a charming and gracious hostess.)

Christine had been baptized as a baby at a Methodist church, at the behest of her mother, shortly before the mother abandoned her lawyer-husband and both daughters to "move in with a guy named Chuck whose house was furnished entirely with bean-bag chairs," as Rosen writes. Nonetheless, by the time Christine reached kindergarten age, no adult or child in the household, not her father or Pam—his legal secretary, whom he married after the divorce and whom the girls adored—nor the grandparents who took care of the children between the divorce and the remarriage, had set foot inside a church in years.

Charlotte Allen is an editor at Beliefnet *and author of* The Human Christ: The Search for the Historical Jesus.

During the prime praying hour of 11 A.M. on a Sunday morning, you were likely to find us not sitting devoutly in a house of God but lounging outside in aluminum chairs in Grandma and Grandpa's backyard in the nearby burg of Gulfport, the adults nursing Bloody Marys and Cathy and me, with inflatable water wings strapped to our chubby limbs, swimming in the small kidney-shaped pool until our fingerprints puckered and our hair turned green from overexposure to the chlorinated water.

Nonetheless, the public school closest to the family home lay in a neighborhood of liquor stores and barred windows, so the kids were enrolled in Keswick, whose shabby, concrete-block campus had once been a chicken farm, whose uniform for girls was a black, green, and yellow polyester jumper, and whose teachers regularly held what were called "sword drills," in which the students raised their Bibles in their right hands, waited for the principal to call out a citation to a chapter and verse, and then plunged the Bibles to their laps in a race to see who could find the verse quickest.

Christine thrived on it all. In sweat-dripping, under-air-conditioned classrooms she memorized verse after verse from the King James Bible, the only version of the Scriptures deemed reliable by Keswick authorities, and so augmented her youthful vocabulary with exotic archaisms such as "kine" for cattle, and "murrain" and "scab" for the diseases with which they were afflicted. By age six she knew that Adam and Eve had been "beguiled," not simply tempted, by the serpent, and she yelled, "I hope you get the botch!" at a neighbor boy who was teasing her from his bicycle.

She yearned to become a missionary when she grew up, so she practiced proselytizing on neighbors and friends and was disappointed when her Jewish playmates Josh and David responded, "Shut up already about Jesus!" when she tried to convert them over a Monopoly game. When the fifth-grade Bible lessons turned to the End Times and the Book of Revelation, she started seeing the Antichrist everywhere and, egged on by her teachers, reading signs of the Last Days into such geopolitical phenomena as starvation in Ethiopia and the Soviet Union's nuclear saber-rattling.

Rosen has a light touch, and she casts a fond and sympathetic eye on a mode of religious formation that most people at her level of education (she has a doctorate in history from Emory) regard with contempt and horror. She vividly evokes the stifling heat (with matching humidity), the raggedy low-slung landscape, and the creepy superabundance of less appealing life forms that render most of the state of Florida essentially uninhabitable for nine months out of the year: "Tourists imagine pristine beaches, but our shores were more like a morgue—the carcasses of horseshoe crabs, mullet, and jellyfish were scattered amid the slimy, dark brown seaweed, broken shells, and discarded soda-can tabs."

Rosen has an observant eye for the cheesy souvenirs, the teased hair, and the leather-skinned retirees of Florida's unglamorous outback.

As a student at Keswick, she lived in a double world. Outside school, while her parents' friends sipped scotch on the rocks and thought nothing of pop music and dancing, she drenched herself in secular literature at the public library, and she learned about millions of years of evolution in the summer classes offered at the local science center. Inside school, alcohol was condemned as the devil's drink, dancing, rock music, and even most television shows were off-limits, and the science consisted of creation science.

Exacerbating the sense of dislocation was the reappearance of Christine's mother in the children's lives, early and often. The two sisters were

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

obliged to spend alternate weekends in the series of rundown apartments their mother occupied as she hopped from job to job, indulged in violent swings of mood and enthusiasm, and displayed "an appalling track record with pets" who typically ended up dead within weeks. (It turned out that she suffered from mental illness, a fact that the adults concealed from the children.) Eventually the mother married a furniture salesman named Pete and took up an exhibitionist version of Pentecostalism that included faith healing, speaking in tongues, and falling to the church floor in dead faints after being "seized by the Spirit"—all while her daughters, dragged along to the services, writhed with embarrassment. They retaliated by calling her "Biomom" behind her back and insisting that Pam was their true "Mom."

Rosen's book ends abruptly when her parents pull the girls out of Keswick after Christine finishes the eighth grade. The trigger wasn't the anti-evolutionism, or even some of the odder teachers there. (There was a "Mr. Whitman"—name undoubtedly changed—who had apparently spent too many years as a missionary in sub-Saharan Africa, and who specialized in bizarre torments, for example, forcing Christine's sister, Cathy, to shave off half his mustache in front of the class in retaliation for her reporting that he had paddled some of his students for minor infractions.)

What triggered the parents' action was Keswick's decision to forbid the students to buy after-school treats at a nearby 7-11 to protest the chain's refusal to stop selling *Playboy* and other magazines containing pictures of naked women and other "harlotry." The smut boycott didn't sound like a bad idea to me, but it jolted Christine's worldly parents into awareness of "just how vast was the gulf between what we were taught at home and what we were learning in school."

The children were sent to another Christian school in St. Petersburg, but Rosen gradually lost not only her attachment to fundamentalism but also her religious faith entirely. She now lives, as she says, "an entirely secular life." She does not explain how this happened, and the lapse is perhaps the weakest aspect of her book. But it is clear that she came to associate Christianity with polyester and helmet hair, with the bizarre shenanigans of Biomom and Mr. Whitman, and with what she perceived as pervasive anti-intellectualism and militant "separation," as she calls it, from the larger world.

Rosen felt forced to choose: faith versus science, memorizing the Bible versus reading widely in history and other disciplines, Amy Grant versus Led Zeppelin. The ethos at Keswick during the late 1970s and early '80s was undoubtedly at least partly to blame—and as Rosen reports, it has moved with the times and become a wealthier and far more sophisticated school over the last two decades, fully accredited and boasting state-of-the-art computers and biology and chemistry labs. Still, Rosen has held onto her King James Bible and, as she says, "if you haven't read the Bible, you have missed an opportunity to experience something of extraordinary beauty and power."

That, as she also says, made her fundamentalist education ultimately worthwhile. ♦

'Make No Mistake'

The sky's the limit when it comes to clichés.

BY JOE QUEENAN

Discussing the latest sighting of a dimly remembered sixties pop star, my local paper cautioned: "*Make no mistake*. Lesley Gore's certainly no kid anymore."

Given that a recent photograph of the 59-year-old singer accompanied the article, it was hard to see how anyone could be mistaken about Gore's age. Best known for her 1963 hit "It's My Party (And I'll Cry if I Want to)," the well-preserved but incontrovertibly middle-aged Gore had been out of the public eye for years, and was now hawking a CD that was unlikely to go platinum.

Make no mistake: She had been away for 43 years. Make no mistake: She did not look like a kid. Make no mistake: It was unnecessary to warn anybody to make no mistake about any of this.

Every so often, an exquisitely vacuous expression—"All sizzle, no steak," "Style and substance," "Where's the beef?"—enters the popular press, and then begins stalking the Republic. Consider the campaign to attribute every political, economic, and cultural misfortune to "hubris," a word the public never uses, doesn't like, and almost certainly doesn't understand. Few pundits can resist such banalities as "poster child" or "holy grail" or "tsunami," and even sportswriters get into the act with such misbegotten phrases as "the mother of all kickoff coverage breakdowns." Rare is the columnist who fights off the urge to warn that "the center cannot hold." Fifty smackers to anyone who can identify the second most cited line by Yeats.

The most devastating verbal casualty of the Iraq war is the media's seduction by the juvenile expression "the bad guys." Inspired by politicians who speak like seven-year-olds, even commentators such as Thomas L. Friedman of the *New York Times* have been known to pen columns under the rubric "Rooting for the Good Guys."

Is it possible to imagine Winston Churchill or FDR rallying his countrymen to the cause this way? "The only thing we have to fear is fear itself. Well,

Joe Queenan is the author, most recently, of Queenan Country: A Reluctant Anglophile's Pilgrimage to the Mother Country.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that and the bad guys." "Never in the course of human events have so many good guys owed so much to so few other good guys." "We shall fight the bad guys on the beaches. We shall fight the bad guys in the hedgerows. We shall never surrender to the bad guys."

Vacuous as this expression may be, it is generally used in a vaguely appropriate context. Not so with "make no mistake," which surfaces everywhere, usually warning readers in nearly hysterical tones to make no mistake in situations where it is unlikely that a mistake could occur, or where, if it did occur, the repercussions would be impossible to detect.

"Make no mistake," warns the *Wall Street Journal*. "Stagehands perform a vital job, one that requires more than muscle." Well, I guess. "Make no mistake," thunders *The Tennessean*. "People who smoke need to stop." Yes, again. Adds a physician in a letter to the *New York Times*: "Make no mistake —there are doctors outside of retainer practices who will guide some of their patients through the difficult process of finding the right treatment."

Well, of course there are doctors outside of retainer practices who will guide some of their patients through the difficult process of finding the right treatment! How could anyone make a mistake about *that?*

Blessed with the imprimatur of George Bush I, who used the expression to affect a Ciceronian grandeur, the phrase now appears everywhere. Why? In large part because it is an underhanded way of clinching an argument without having to prove your point. "Make no mistake," thunders Bob Herbert, another *New York Times* columnist. "Government officials have blood on their hands." This is a variation on the beloved old chestnut "Take it from me." But for every American who *will* take it from you, there are an equal number who won't. Especially if you're Bob Herbert.

In fairness, most uses of the phrase "make no mistake" are merely pathetic efforts by second-tier journalists to play in the big leagues, to make an assertion that sounds like something E.J. Dionne or Philippe de Montebello might say. This is particularly true of sportswriters, who yearn for perceived *gravitas*.

"Make no mistake," chides a beat writer for the *New York Post*. "This trade does not represent an abandonment of the youth program the Rangers embarked on at the 2004 trade deadline and has been implemented so successfully by (Coach) Renney and his staff." Adds Ian O'Connor of the Gannett chain: "[Roger] Federer might carry himself as a gentleman in a top hat, but make no mistake: In the heat of competition, he's the Iceman cometh, as forbidding and efficient in presence as the Soviets' old Big Red hockey machine."

Here the formidable gasbag has scored an improbable hat trick: first, by telling readers what they already know (the greatest living tennis player likes to win); second, by inserting a pointless analogy likening one sport to another; and third, by commandeering a rapturous banality to make a phoned-in article about men's tennis sound like the Gettysburg Address.

Readers may protest that I overstate my case, that the exhortation to "make no mistake" is no more irksome or ubiquitous than "edgy," "rock my world," or "let's give props." Perhaps. But what concerns me is the Polonius Syndrome: An inane phrase starts out innocently at the loftiest journalistic levels, but then wends its way downward, so that before you know it you have food critics declaring, "Make no mistake: Polenta is quite bland." Or rock critics grumbling, "Make no mistake: Jimmy Buffett's music has little appeal to the hip-hop community." Or meteorologists warning, "Make no mistake: If it rains hard enough, everybody gets wet."

It is not the inanity *per se* that is the problem; it is the repetitive, inescapable nature of the idiocy that drives intelligent people mad. As Lesley Gore might put it: You would cry, too, if it happened to you. ♦

Power for Good

Since the end of the Cold War, America the Indispensable. BY MAX BOOT

The Case for Goliath
How America Acts as the World's Government in the 21st Century
by Michael Mandelbaum
PublicAffairs, 283 pp., $26

Ever since the end of the Cold War, experts of various stripes have been grappling with the nature of American power. Clearly, with the demise of its only major rival, the United States became really, really powerful. So powerful that the old term "superpower" doesn't seem to cut it anymore. A French foreign minister suggested that "hyperpower" was more appropriate, but that hasn't caught on. Other analysts have called the United States a hegemon, a global policeman, even an empire. I've been known to use the latter label myself, even though the United States is no longer a territorial empire of the Roman type (as it was in the days of Manifest Destiny).

Michael Mandelbaum, professor of American foreign policy at the Johns Hopkins School of Advanced International Studies, doesn't think much of those who want to cloak the old Republic in imperial ermine. "American influence in the world is certainly considerable," he writes, "but the United States does not control, directly

Max Boot is a senior fellow at the Council on Foreign Relations and a contributing editor to THE WEEKLY STANDARD.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Aymeric / Gamma / Taureau Le Goedrec

or indirectly, the politics and economics of other societies, as empires have always done, save for a few special cases that turn out to be the exceptions that prove the rule."

He prefers to label the United States the "world's government," though it's hard to see why that's much of an improvement. As Mandelbaum himself admits, "There are . . . many governments in the world and the global role of the United States, expansive though it is, does not look much like any of them."

His case for labeling the United States a global government, rather than a global empire, rests on a rickety foundation. "Traditionally," he notes, "the imperial power has been seen as a predator, drawing economic profit and political gain from its control of the imperial possession, while the members of the society it controls suffer." The United States, he correctly notes, does not exploit any states in this way. Instead, it provides the whole world with valuable "public goods"—principally protection from predators—that are welcomed by most of the world's states. But that hardly makes it that different from the British Empire, which also performed all sorts of public services, such as stamping out the slave trade and piracy. Mandelbaum may see the United States as a particularly benign great power, and he is not wrong to do so; but most empires of the past also saw themselves as advancing a *mission civilisatrice*.

His assurance that the United States means it—honestly!—is not likely to mollify America's critics. Nor is his choice of terminology particularly reassuring. I can't see some mandarin at the Quai d'Orsay (the French foreign ministry) slapping himself on the forehead and exclaiming, "So they are not an empire after all. They're only the world's government. What a relief. *Vive les Etats-Unis*!"

The value of *The Case for Goliath* does not lie in its central conceit—the United States as the world's government—but in the arguments Mandelbaum advances for why American power serves the interests of other countries. The case he makes is not particularly novel (William Odom and Robert Dujarric made similar points in their 2004 book, *America's Inadvertent Empire*), but it bears repeating at a time when the publishing industry is churning out reams of paranoid tomes with titles like *Rogue Nation*, *The Sorrows of Empire*, and *The New American Militarism*.

Mandelbaum begins by listing five security benefits the United States offers the world.

First, the continuing deployment of American troops in Europe is a reassurance that "no sudden shifts in Europe's security arrangements would occur." Second, the United States has "reduced the demand for nuclear weapons, and the number of nuclear-armed countries, to levels considerably below what they otherwise have reached," both by attempting to stop rogue states from acquiring nukes and by providing nuclear protection to countries such as Japan, South Korea, and Taiwan that would otherwise go nuclear.

Third, the United States has fought terrorists across the world and waged preventive war in Iraq to remove the threat posed by Saddam Hussein. Fourth, the United States has undertaken humanitarian interventions in such places as Bosnia and Kosovo, which Mandelbaum likens to the "practice, increasingly common in Western countries, of removing children from the custody of parents who are abusing them." Fifth, the United States has attempted to create "the apparatus of a working, effective, decent government" in such dysfunctional places as Haiti and Afghanistan.

Mandelbaum also points to five economic benefits of American power. First, the United States provides the security essential for international commerce by, for instance, policing Atlantic and Pacific shipping lanes. Second, the United States safeguards the extraction and export of Middle Eastern oil, the lifeblood of the global economy. Third, in the monetary realm, the United States has made the dollar "the world's 'reserve' currency" and supplied loans to "governments in the throes of currency crises."

Fourth, the United States has pushed for the expansion of international trade by midwifing the World Trade Organization, the North American Free Trade Agreement, and other instruments of liberalization. And fifth, by providing a ready market for goods exported by such countries as China and Japan, the United States "became the indispensable supplier of demand to the world."

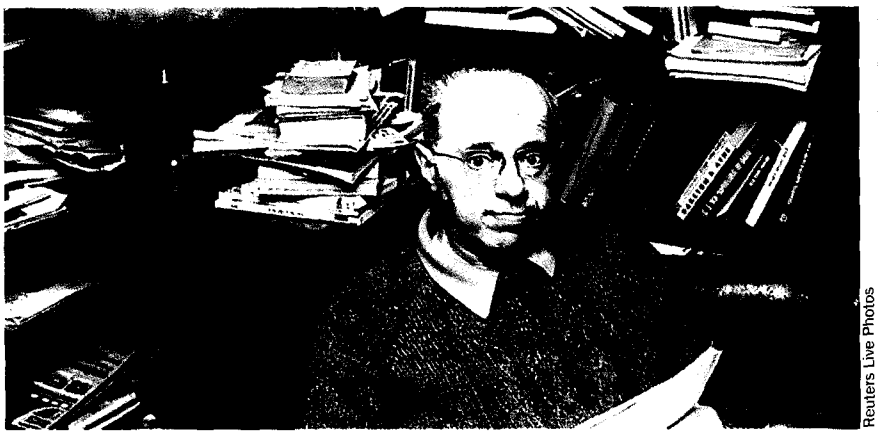
Naturally, the United States gets scant thanks for all these services provided *gratis*. But Mandelbaum points out that, for all their griping, other countries have not pooled "their resources to confront the enormous power of the United States because, unlike the supremely powerful countries of the past, the United States [does] not threaten them." Instead, the United States actually helps other nations achieve shared goals such as democracy, peace, and prosperity.

Call it what you will, America is still the greatest force for good in the world, as it has been since 1942. That may seem obvious, but there is no truth so basic that it cannot be denied by most intellectuals. With his refreshing willingness to defend the much-reviled "goliath," Mandelbaum is a welcome dissenter from the regnant orthodoxy in his own field. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Stanislaw Lem, 1921-2006

Science fiction's master of the universe. BY JOHN WILSON



Reuters Live Photos

The writer Wirt Williams had a theory that novelists—"like quarterbacks," he would add—were most likely to flourish if they were reasonably intelligent but not off-the-scale brainy. ("Look at Terry Bradshaw!") Too much intellection, Williams thought, tended to gum up the works in one way or another. Still, he allowed, there were exceptions.

A case in point is the Polish novelist Stanislaw Lem, who died on March 27 at the age of 84. Lem's IQ, as he mentioned in passing in an autobiographical essay, was above 180, but no one who read many of his books needed that datum to conclude that here was an unusually powerful and wide-ranging intelligence. The son of a physician, Lem was trained in the sciences. Biology was his field, but in his mid-twenties he became a research assistant at what he described as a "kind of clearinghouse for scientific literature" in many disciplines coming into Poland from around the world. Meanwhile, he was reading widely in literature and philosophy, and he embarked on a career as a writer of science fiction.

A lot of Lem is available in English, but more remains to be translated, both novels and works in other genres. (Let us hope that an enterprising publisher or two are willing to underwrite the Englishing of some of these missing items: That would be a fitting memorial.) His best-known novel is *Solaris*, thanks to the film version by Andrei Tarkovsky, and the recent remake. It's not a bad book to start with, but I will move on to my personal favorites from Lemland.

The first, *The Investigation* (in Polish, 1959; in English, 1976), is neither a parody nor a pastiche, strictly speaking, but has elements of both. (The names of places and characters are clearly parodic.) The template is a mystery novel, featuring Scotland Yard detectives, crossbred with the conventions of the modern Gothic tale. The detectives are investigating a series of bizarre incidents at rural mortuaries in which corpses seem to have been reanimated. Also involved as a consultant is an eccentric academic who subjects these mysterious events to statistical analysis. In its unsettling shifts, its incongruous mix of tones and styles—suspense, metaphysical horror, humor, absurdity, intellectual puzzle—the novel both anticipates and surpasses later works that were trumpeted as the very model of postmodernism.

The Invincible (1964; 1976) has some affinities with *The Investigation*, though at first it appears to be very different, featuring as it does a classic sci-fi scenario: A spaceship is sent to a distant planet where another ship landed a year earlier, sent one intelligible message, and then apparently encountered some unknown disaster. Here, once again, Lem is working with a clear template and playing against it in various ways, particularly in his brilliant imagining of an encounter with an alien life form, radically different from the familiar aliens of yore. The physical setting is rendered with such virtuosity that it haunts my dreams for weeks afterward every time I read the book. If you like it, go straight to *Fiasco* (1986; 1987), Lem's most ambitious treatment of the theme of alien contact.

The Chain of Chance (1976; 1984) also recalls *The Investigation.* Here the subject is a series of deaths at a resort in Italy, and there are elements of the thriller and the Golden Age mystery. But the tone is very different, not least because this is a first-person narrative. The intellectual puzzle is foregrounded, only to be turned inside out. A meditation on how we think about cause and effect—and about the role of chance in our lives—the novel sounds terribly pat, but in fact its "solution" is the opposite of the tidy summing-up as performed, for instance, by the redoubtable Hercule Poirot.

Other readers will have other favorites, and no one who plunges into Lem should miss his memoir of childhood, *Highcastle*, or his collection of essays, *Microworlds*, (which includes the much-quoted, much-abused essay, "Science Fiction: A Hopeless Case—With Exceptions"). Some will be drawn to his reviews of imaginary books, others to the fables that recall the philosophical tales of Voltaire and his age. Lem is the driest of writers—not desiccated, not narrow, not at all—but his prevailing humor *is* dry, and his best books can be reread with pleasure every few years. Among the many mansions of the House of Fiction, there is room for the occasional polymath. ♦

John Wilson is the editor of Books & Culture.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Parody

"Some years back, the playwright Tony Kushner amused a conference audience by talking about two different types of theatrical enterprises: 'lasagna' dramaturgy and 'matzo' dramaturgy. "His own plays, like Angels in America, clearly fell into the lasagna category, he said, providing a grandiose, chewy and multilayered immersion in particular social realities. Matzo drama, by contrast, was thin and spare . . . and to him the quintessential 'matzo of a playwright' was Samuel Beckett."
—New York Times, March 26

and insofar as a dedicated culinary ethic may be consistently applied to any system of literary categorization, the Kushner Principle offers not only an accessible system for rendering judgment, independent of social, political, or hierarchical bias, but allows the individual reader to proactively assess the various oeuvres and genres inherent in any mainstream survey of 'literature' while defending the integrity of her particular racial, economic, or gender-based identity and radical perspective.

For the purposes of illustration, here is an incomplete diagram that applies the Kushner Principle to a random series of literary operatives, based on the essential criteria of fidelity to class consciousness and racial/sexual identity, as well as social relevance:

Anna Quindlen: Zesty, mouth-watering potatoes
Jane Austen: Bland, watery oatmeal

Kurt Vonnegut Jr.: Baked mahi mahi with bell peppers
Evelyn Waugh: Sour, undercooked cabbage

Jonathan Franzen: High-taste nutritional tradition
William Faulkner: Low-brow comfort food

Maya Angelou: Rich, tasty gumbo
Marianne Moore: Dinty Moore's beef stew

Stephen King: Light, lemony seared salmon
Tobias Smollett: Fried pork rinds

Alice Walker: Spicy free-range chicken
Virginia Woolf: Quarter Pounder with cheese

Jay McInerney: Succulent hearts of artichoke
William Makepeace Thackeray: Saltines with cheese whiz

While any culinary-based hermeneutic has to be thought likely to contain elements antithetical to race- and gender-based analysis,

the weekly Standard
April 10, 2006

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Cutting-Edge Commentary on Public Policy

POLICY REVIEW

SUBSCRIBE
'eceive six bimonthly issues for only $36 a year.

FREE ISSUE
Receive a complimentary issue of the latest Policy Review without obligation.

all 877.558.3727 or visit www.policyreview.org

In the new issue of *Policy Review*

Why Spending Has Got to Give

Higher taxation levels are unsupportable

The Congressional Budget Office said it best: "In the past half-century, total revenues have ranged from 16.1 percent to 20.8 percent of GDP, with no obvious trend over time. On average their share of GDP has hovered around 18.5 percent." This is about as close to a historical constant as one finds in public sector economics. U.S. experience differs dramatically from that of other countries. This is probably because of the political equilibrium we have reached in the United States, caused not only by our particular demographics but also, and more important, by a division of powers and a republican rather than a parliamentary political system. Clearly, unless the deficit takes up a lot of the slack (which is highly unlikely), something's gotta give. Which will it be: taxes or government spending? The odds-on favorite is government spending.

—David Henderson

Growing Old the Hard Way: China, India, Russia

More older people and fewer resources

Over the next generation, it seems entirely likely–indeed, all but inevitable–that a large fraction of humanity, peopling countries within the grouping often termed emerging market economies, will find itself coping with the phenomenon of a population aging on income levels far lower than those yet witnessed in any society with comparable degrees of graying. For such countries, the social and economic consequences of aging could be harsh–and the options for mitigating the adverse effects of population aging may be fairly limited. In some of these countries, population aging could potentially emerge as a factor appreciably constraining long-term growth and development.

—Nicholas Eberstadt

Paid for by the Hoover Institution, Stanford University

To read more, call 877.558.3727 for a free copy of the latest *Policy Review*.

HOOVER INSTITUTION

. . . ideas defining a free society

Hoover Institution Stanford University Stanford, CA 94305-6010 Tel: 877.466.8374 Fax: 650.723.1687 info@hoover.stanford.edu www.hoover.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

choice

AT&T is ready to deliver real competition to cable TV.

AT&T's passion to invent and SBC's drive to deliver have come together to open a whole new world of possibilities.

We're investing in our networks across the country to open pathways that will deliver new choices in television, Internet and more.

American consumers have waited long enough for a real choice to cable TV. Congress can be the catalyst for these new possibilities.

We're ready.

at&t
Your world. Delivered.

SBC | AT&T SBC and the SBC logo are trademarks of AT&T Knowledge Ventures. © 2006 AT&T Knowledge Ventures. All rights reserved.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED